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\$1 million crash verdict sets legal precedent

By Karen Franklin
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HAYWARD — The \$1 million awarded Friday by a Hayward jury sets legal precedent by extending the responsibility of parents for the actions of their adult children, attorneys for both sides agreed.

The six-man, six-woman jury deliberated a little over a day before awarding \$683,000 to a woman disabled in a 1977 car accident, and \$400,000 to her dead brother's two sons.

Jenny Stone, 29, suffered brain damage and is partially paralyzed as a result of the crash. Her brother, Gary Juhl, then 26, was killed.

Making this case unusual was the jury's decision that the parents of 26-year-old Bradley Nelson should be

held responsible — along with their son — for the death and injury.

After returning their verdict around 10 a.m. Friday, jurors polled by the Sparks Newspapers cited two reasons for holding Lorraine and Wilfred Nelson responsible.

In the first place, the jurors found the Castro Valley couple guilty of "negligent entrustment" because they helped their son finance a loan on his "hopped-up" 1970 Dodge Charger even though they knew of his extensive bad driving record.

The plaintiffs' attorneys spent hours reviewing this record, which included 12 traffic citations, four previous accidents, several drunken driving charges and license revocations, and at least one race from police

at speeds over 90 mph.

In addition, the elder Nelsons were held liable because — according to their own testimony — they gave their son wine on the night of the crash.

According to testimony, Nelson had a blood alcohol level of .12 percent shortly after the accident. Under state law, a person with a level of .10 or above is considered drunk.

Although Juhl, the driver of the other car, had a blood alcohol level of .11 percent, according to testimony, the jury held that his intoxication did not contribute to the accident.

All sides agreed that Nelson was driving 60 to 100 mph in a 25 mph zone on Wisteria Street in Castro Valley when Juhl pulled out from Ganic Street —

where he was required to stop — and was broadsided by Nelson's red Charger.

His sons' attorney — R. Lewis Van Blois — told the jury that "Juhl was a dead man" the instant he pulled far enough into the intersection to see any oncoming traffic.

Attorneys for Ms. Stone and Juhl's sons — Matthew, 10, and Brad, 6 — asked the jury to award their clients a total of about \$3 million.

Defense attorneys — who according to Ms. Stone's attorney had turned down a \$450,000 settlement offer before the trial — argued that \$500,000 was more appropriate.

Continued back of section, col. 1

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Continued from page 1

In the middle of the 21-day trial, they turned down an offer to settle for \$1 million — \$600,000 for Ms. Stone and \$400,000 for the two boys, Van Blois said. Coincidentally, this turned out to be almost exactly the amount the jury awarded.

The plaintiffs' attorneys are expected to receive 33 to 40 percent of the \$1,083,000 awarded.

Although the Nelsons' insurance policies are expected to cover most of the award, \$83,000 in punitive damages against Bradley Nelson is not covered, said his attorney, James Crew.

"We wanted Bradley to suffer

some of the liability personally," jury foreman Chester Turley said to explain why punitive damages were awarded.

Nelson has already served a year in county jail and paid \$9,000 restitution as a result of the accident.

After the verdict was read, he broke down in tears. "I feel very bad for the lives I touched. I can't begin to express the way I feel," he said.

Despite Nelson's remorse, however, his driving record continues to grow. This year so far, he has received two tickets for speeding on Castro Valley Boulevard near

his home.

The Nelsons' attorneys say they plan to appeal the Alameda County Superior Court jury's decision.

If the case is upheld, defense attorney Jack St. Clair said, "It would be murder for everybody, because nobody would dare help their child get a car."

Because the record of a driver who is sued for causing an accident is not admissible in court, plaintiffs may start routinely suing parents so that the driving records of their children may be brought into evidence in such cases, St. Clair said.