

# VERDICTS & SETTLEMENTS

FRIDAY, JUNE 28, 2024



**Megan Burns and Emily Dahm**

## VERDICT: \$9,573,616

### PERSONAL INJURY

#### SCHOOL INCIDENT Negligence

VERDICT: \$9,573,616

CASE/NUMBER: Maria Guadalupe Jimenez, et al. v. New Haven Unified School District / RG20081087

COURT/DATE: Alameda Superior / May 2, 2024

JUDGE: Jenna M. Whitman

#### ATTORNEYS:

**Plaintiff** – Megan Therese Burns, Emily L. Dahm (Mirador Law APC); Alan Charles Dell’Ario (Law Office of A. Charles Dell’Ario)

Defendant – Marina B. Pitts (Leone, Alberts & Duus PC)

#### FACTS:

On Jan. 7, 2020, plaintiffs Esmeralda Gonzalez and her mother, Maria Jimenez, went to James Logan High School where Esmeralda was a sophomore student at the time. They were there to speak with school officials because Esmeralda had been threatened and bullied, including that morning before school, by another James Logan High School student, T.S. Once they arrived at the school parking lot and got out of their car, plaintiffs were immediately

approached and physically attacked by T.S. and D.S., a teenager from a different high school. T.S. and D.S. were accompanied by a school security guard who failed to prevent or intervene in the attack. Numerous school employees had knowledge of the bullying for nearly a year prior to the violent attack.

#### PLAINTIFF’S CONTENTIONS:

Plaintiffs argued that the New Haven Unified School District was negligent in failing to prevent the violent attack on the school campus and to protect its student, Esmeralda Gonzalez, and her mother, Maria Jimenez.

#### DEFENDANT’S CONTENTIONS:

The New Haven School District denied that it was at fault. It claimed that it properly supervised its employees and that the attack by T.S. and D.S. was unforeseeable.

#### INJURIES:

Maria Jimenez suffered a mild traumatic brain injury, bilateral nose fractures requiring surgery, a retinal injury to her right eye and severe post-traumatic stress disorder.

Esmeralda Gonzalez suffered minor physical injuries from the attack and post-traumatic stress disorder.

#### SETTLEMENT DISCUSSIONS:

Plaintiffs issued CCP 998 offers prior to trial in the amount of \$750,000 for Esmeralda Gonzalez and \$1,650,000 for Maria Jimenez. Defendant issued CCP 998 offers prior to trial in the amount of \$50,000 for Esmeralda Gonzalez and \$115,000 for Maria Jimenez.

#### RESULT:

After a jury trial, the jury awarded Esmeralda Gonzalez damages in the amount of \$2,570,000 and Maria Jimenez damages in the amount of \$7,003,616.

The jury concluded that New Haven Unified School District was negligent by failing to control escalating bullying behavior by a fellow student who physically attacked the Plaintiffs on the campus of James Logan High School

#### OTHER INFORMATION:

The District filed a motion for judgment notwithstanding the verdict and a motion for new trial, contending that there were multiple errors in evidentiary rulings and decisions by the trial court. Both motions are set for hearing on July 3, 2024.

FILING DATE: Nov. 24, 2020