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Local News

Sisters hurt in drunken driving crash get record \$31 million verdict

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Images:



Casey Christie / The Californian

Marta Perez, 28, and her attorney Daniel Rodriguez (not pictured) discuss their \$31 million verdict in a drunken driver crash Perez and her sister Rosie Landeros were involved in.



Casey Christie / The Californian

Daniel Rodriguez, a Bakersfield attorney, during an interview about a jury verdict that came down Monday in Kern County Superior Court for more than \$31 million. Marta Perez, and her younger sister, Rosie Landeros, were both in an automobile accident where a drunken driver hit them.

The verdict is huge -- more than \$31 million in a drunken driver crash case -- but the money won't give back the lives two Arvin women had before the crash, one of the women said Tuesday.

"You can't put a price on what happened," said 28-year-old Marta Perez. "Money is not going to change life back to the way it was before."

That's especially true about her 19-year-old sister, Rosie Landeros, who suffered so much brain damage she can't speak coherently about it.

One of their attorneys, Daniel Rodriguez of Bakersfield, said Landeros will need constant help to function for the rest of her life.

Before the crash, Landeros was a 16-year-old Arvin High School student with a social life and dreams of becoming a nurse, her sister said.

Now she's at home with a walker, a left leg she can only drag, a crooked left arm, virtually no memory and the inability to control her judgment and emotions, Rodriguez said.

"She goes from sweet to biting and kicking people," Rodriguez said. "She kicks with her good right leg."

Perez also suffered brain damage, but she's recovered enough to return to her rehabilitation assistant job at the Centre for Neuro Skills. That's one of the places her sister has received treatment.

Perez, who recounted what she remembered from the terrifying crash, said she's most upset that the other driver,

Gustavo Davalos Torres, now 50, was drunk.

Court records say he pleaded no contest to felony drunken driving and was sentenced to three years, four months in prison, but Rodriguez said Torres served only half that time.

An expert in the civil trial said Torres had a blood-alcohol level of about .16 at the time of the crash -- more than twice the legal limit, Rodriguez said.

Torres was driving a pickup truck for Palla Rosa Farms in south Bakersfield in the early evening of June 15, 2007. He was going east on Shafter Road south of Bakersfield when he blew a stop sign at Gosford Road and crashed into the driver's side of a Honda Civic driven by Landeros.

The women were on their way to Valley Plaza to have dinner and enjoy a movie.

"I did not know what happened," Perez said. "It smelled funny, like gas, and I couldn't feel myself. I couldn't get out. I felt helpless. I thought we would burn to death."

She said, "I could see my sister from the corner of my eye. I could see her twitching but her head was still. There was blood everywhere. I heard her gurgling and struggling to breathe.

"As much as I wanted to yell for help, it just wasn't happening. It was a really horrific experience."

Rodriguez said a California Highway Patrol officer happened to be nearby and he summoned help.

Rodriguez said Torres told the CHP he had two beers. Torres later told Rodriguez he had four beers, the attorney said. But Dan DeFraga, an expert with the Kern Regional Crime Lab, testified in the civil trial that Torres needed to drink eight to 12 beers to get the blood-alcohol level that he had.

Perez said she is very upset "that somebody could not have a heart and not take responsibility for his actions. I don't think he was punished enough."

The lawyers for Torres and the farm's insurance company said at the beginning of the trial that Torres admitted fault for the crash and felt remorse, Rodriguez said.

Calls to those lawyers, Stuart Supowit of Sherman Oaks and Jewel Basse and Charles Custer of San Francisco, were not returned Tuesday.

The jury trial was conducted over a month and the verdict was issued Monday. Rodriguez and his co-counsel, Nick Rowley of Iowa and Alejandro Blanco of Los Angeles, asked for up to \$300 million, Rodriguez said.

The defense lawyers advised the jurors about \$7 or \$8 million was fair, Rodriguez said.

Before the trial, Rodriguez asked for \$10 million -- the limit on the farm's insurance policy. But because the insurance rejected that demand within a time limit, the insurance company "was on the hook" for whatever a jury decided, Rodriguez said.

The verdict was believed to be the largest personal injury judgment in the history of Kern County, Rodriguez said.

Perez was awarded \$100,000. Landeros was awarded the rest, less a percentage for the attorneys for a contingency fee case. Rodriguez would not disclose the attorney share, but typically in trials attorneys take 25 to 40 percent of the verdict.