

TEXAS LAWYER

verdicts & settlements

WRONGFUL DEATH

Bus Company to Pay \$10 Million

A \$10 million settlement averted a trial set to begin on March 31 in a wrongful-death suit filed on behalf of a 9-year-old Houston girl who died in a car accident with a METRO bus in May 2001. Defendant First Transit Inc., a private bus company, agreed to pay the money to the family of Jennifer Marie Rodriguez. Rodriguez's father, Roland, her mother, Manika Guerrero Vega, and her siblings, J'Net and Roland, allege in the suit filed in 2001 that First Transit and the driver of the bus, Clifford Wayne Kidd, were negligent, grossly negligent and acted with malice in connection with the accident. As alleged in the plaintiffs' third amended petition, Jennifer, J'Net and their brother Roland were riding in a car driven by their father in a high-occupancy vehicle lane on Highway 290 in Houston when their Ford Navigator was rear-ended by a bus driven by Kidd. The vehicle caught on fire, and Jennifer was unable to get out; she burned to death in the presence of her father, brother and sister, who made it out of the burning vehicle, as alleged in the petition. The family alleges that First Transit failed to properly screen Kidd and failed to properly train him. The settlement was announced on March 31, before jury selection. Ford Motor Co. also was a defendant, brought into the suit with a third-party claim lodged by First Transit, but the carmaker was nonsuited by the plaintiffs and First Transit on March 31. First Transit alleged the fuel system in the Ford vehicle was defective. Ford denied the allegations. The plaintiffs did not sue the Metropolitan Transit Authority of Harris County, which, as alleged in the petition, leased the bus to operator First Transit.

Roland Rodriguez, et al. v. First Transit Inc., et al., No. 2001-34768 (127th District Court, Harris County)

Plaintiffs' attorneys: Richard Mithoff, Janie Jordan and William Stradley, Mithoff & Jacks, Houston, for Roland Rodriguez and the children; Jimmy Williamson, Williamson & Sears, Houston, for Manika Guerrero and the children; Robert S. MacIntyre Jr., Thompson & Knight, Houston, for the estate of Jennifer Ann Rodriguez

Defense attorneys: W. Douglas Hammond, Tim S. Leonard and Glen Boudreaux, Boudreaux, Leonard & Hammond, Houston, and Otway Denny and Charles W. Hurd, Fulbright & Jaworski, Houston, for First Transit and Clifford Wayne Kidd; Michael Goldberg, Michael Lennon and Nicholas Brady, Baker Botts, Houston, for Ford Motor Co.

— BRENDA SAPINO JEFFREYS