

Jesus F. Robledo v. Alexander Trett and Herrman & Goetz, Inc; 2015 Jury Verdicts LEXIS 11740

2012-22913

November 06, 2015

Headline: Electrician Working on Traffic Signal Fell From Bucket Truck

Published Date: February 01, 2016

Topic: Motor Vehicle - Intersection - Motor Vehicle - Truck - Slips, Trips & Falls - Fall from Height - Worker/Workplace Negligence

Injury: Testicle, Abrasions, Contusion, Finger, Dislocation, Fracture, Coccyx, Tailbone/coccyx

Practice Area: Unknown

State: Texas

Court: Harris County District Court, 129th

Plaintiff Counsel

Francisco G. Medina

Firm Name: Law Offices of Francisco G. Medina

Address: Houston, TX

Plaintiff Name: (Jesus F. Robledo)

Brian H. Crockett

Firm Name: Crockett Law P.C.

Address: Houston, TX

Plaintiff Name: (Jesus F. Robledo)

Defendant Counsel

Glenn J. Fahl

Firm Name: Fahl & Takeuchi

Address: Houston, TX

Defendant Name: (Company Care Inc.)

Judge: [Michael Gomez](#)

Case Summary

On Oct. 25, 2010, plaintiff Jesus F. Robledo, 35, an electrician, was working on a traffic light in a construction zone at Will Clayton Parkway and Wilson Road in Humble while in a bucket truck. It was rush hour. Alexander Trett was driving a tractor-trailer on Will Clayton Parkway, in the course and scope of his employment with Company Care Inc. The trucks refrigerated trailer, which was 13 feet, 6 inches high, hit the bucket, and Robledo fell out. He was not wearing his safety harness. He landed on top of the trailer and then fell to the ground. He sustained multiple injuries.

Initially, Robledo thought that Trett's employer was a company called Herrman & Goetz Inc.

Robledo sued Trett and Herrman & Goetz for Trett's negligence in failing to drive carefully in a construction zone and keep a proper lookout. The bucket was straight ahead of Trett and was in front of a traffic signal as he approached the intersection. Trett and Herrman & Goetz were never served, and Robledo amended early in the case to drop Herrman & Goetz and add Company Care as the defendant employer. The case went to trial against Company Care only.

The investigating officer, who had a commercial driver's license, opined that, if he had been the one driving the 18-wheeler, he would have been able to see the bucket and avoid hitting it.

Company Care contended that the lane above which Robledo was working should either have been blocked or had a flagman or both. The investigating officer acknowledged that there should have been at least a flagman.

Robledo acknowledged that he should have been wearing his safety harness. The defense also argued that he should have known the bucket was below the legal height of a truck.

The defense noted that the plaintiff's trucking safety expert charged about \$10,000 for his work on this case.

Trett did not attend trial or give a deposition.

Injury Text:

Robledo went by ambulance to the emergency room and was admitted to the hospital for two days. He sustained a broken coccyx, three dislocated fingers, a testicle injury and multiple bruises and abrasions.

After being released from the hospital, he underwent physical therapy from Nov. 24 to Dec. 30.

The plaintiff sought damages for past and future physical pain, mental anguish and physical impairment. Plaintiff's counsel asked the jury for \$7.25 million.

Trial Length

1.0 week

Jury Poll

10-2

Plaintiff Expert(s)

[Tom Truss](#)

Address: College Station, TX

Specialty: Trucking Industry

Affiliation: Brian Crockett, Francisco Medina

Award: \$ 0

Award Details: The jury found negligence and comparative responsibility of 89 percent on Robledo and 11 percent on Company Care and did not reach the damages questions.

www.verdictsearch.com/index.jsp

Copyright 2016 ALM Media Properties, LLC.

All Rights Reserved

Further duplication without permission is prohibited

Weekly