

Judge upholds \$55M payout

By Kristopher Hanson, Staff writer

July 6, 2007

LOS ANGELES - A federal judge has upheld a \$55 million verdict awarded to the family of a San Pedro longshoreman killed when an apparently defective Dodge pickup hit him at a shipping terminal three years ago.

Richard Mraz was working at the American Presidents Line (APL) facility on Terminal Island when the 1994 Dodge Dakota reversed into him after he had exited it, knocking him to the ground and resulting in a fatal head injury.

The April 13, 2004, accident left Mraz, a 38-year-old father of three and San Pedro native, mortally injured. He died May 1.

In March, jurors found that a "park-to-reverse" defect in the Dodge Dakota, owned by APL, caused Mraz's death, and that automaker DaimlerChrysler was negligent in the design of the vehicle's transmission system.

Jurors also found APL 15 percent responsible and Mraz 10 percent responsible for the death. APL settled with Mraz's widow, Adriana, before trial.

DaimlerChrysler appealed the verdict in April, but Los Angeles Superior Court Judge Mel Red Recana, who presided over the month-long trial, denied the automaker's request for a new hearing.

Recana found that trial evidence was so overwhelming that "the court or jury could not have reached a different decision or verdict," according to court documents.

"I think the judge's decision shows that given the long-standing problems Daimler had and their failure to take care of it, the jury's award of substantial punitive damages was appropriate," said San Pedro maritime attorney Charles Naylor. "If he felt there was anything wrong with that verdict, he had the power to overturn it, and he didn't."

Also representing the Mraz family was the San Francisco-based law firm of Lief Cabraser Heimann & Bernstein.

The "park-to-reverse" defect occurs when a driver places the vehicle in what appears to be park and the gearshift suddenly slips into reverse.

Although DaimlerChrysler issued a recall on Dodge Dakotas in 2000 to fix the problem, the truck Mraz was driving had not been repaired and the automaker could not prove it had sent a notice to APL regarding the recall, jurors found.

Regardless of the recall, the jury found DaimlerChrysler's overall effort to repair the defect, which affected all 1988-2003 Dakotas, had been inadequate.

The transmission is also used in Dodge Ram and Jeep Grand Cherokee vehicles built between the late 1980s and early 2000s. It's estimated that there are currently more than 1 million vehicles with the transmission in question on the road.

DaimlerChrysler is appealing the verdict to the California Court of Appeal.