



Plaintiff: Dangerous driveway left unmaintained

Type: Settlement

Amount: \$1,500,000

State: California

Venue: San Luis Obispo County

Court: Superior Court of San Luis Obispo County, San Luis Obispo, CA

Injury Type(s):

- *head* - fracture, skull
- *brain* - subdural hematoma; traumatic brain injury
- *other* - craniotomy
- *wrist* - triangular fibrocartilage complex, torn
- *pelvis* - fracture, pelvis
- *face/nose* - face; fracture, facial bone
- *surgeries/treatment* - open reduction; internal fixation

Case Type:

- *Premises Liability* - Dangerous Condition; Negligent Repair and/or Maintenance

Case Name: Bryan Bullough v. Polaris Inc., Polaris Industries Inc., Polaris Sales, Inc.; Gary Bozenich and Vicky Bozenich in their individual capacities and as Trustees for the Bozenich Family Trust, No. 21CV-0455

Date: September 01, 2023

Plaintiff(s):

- Bryan Bullough, (Male, 34 Years)

Plaintiff Attorney(s):

- Christopher Montes de Oca; Law Offices of Christopher Montes de Oca; Whittier CA for Bryan Bullough
- Artin Yadegarian; Law Offices of Artin Yadegarian; Glendale CA for Bryan Bullough

- Plaintiff Expert(s):**
- Mark E. Rieser, II M.S., P.E.; Civil; San Jose, CA called by: Christopher Montes de Oca, Artin Yadegarian
 - David M. Lechuga Ph.D.; Neuropsychology; Lake Forest, CA called by: Christopher Montes de Oca, Artin Yadegarian
 - Michael A. Lobatz M.D.; Neurology; Carlsbad, CA called by: Christopher Montes de Oca, Artin Yadegarian

- Defendant(s):**
- Polaris, Inc.
 - Polaris Sales, Inc.
 - Polaris Industries, Inc.
 - Gary Bozenich and Vicky Bozenich, in their individual capacities and as Trustees for the Bozenich Family Trust

- Defense Attorney(s):**
- Gerald B. Velasco; Stratman & Williams-Abrego; Ventura, CA for Gary Bozenich and Vicky Bozenich, in their individual capacities and as Trustees for the Bozenich Family Trust
 - John W. Roddy; Marc Trachtman Law, PC; Irvine, CA for Gary Bozenich and Vicky Bozenich, in their individual capacities and as Trustees for the Bozenich Family Trust

- Defendant Expert(s):**
- John K. Tyson J.D., P.E.; Engineering; Encino, called by: for Gerald B. Velasco

- Insurers:**
- Farmers Insurance Group of Cos.
 - Hudson Insurance Group

Facts:

On Aug. 16, 2019, plaintiff Bryan Bullough, 34, a distributor of electronics and general merchandise, attended a wedding at the Bozenich family residence at 2059 Los Berros Road in Arroyo Grande. Subsequently, Bullough was a passenger on an ATV operated by a driver which struck a tree when the driver drove the ATV off the road. The driver of the ATV died from the accident. Bullough claims to have sustained injuries to his face, head, pelvis and left wrist.

Bullough sued the manufacturer and distributors of the ATV, Polaris Inc., Polaris Industries Inc. and Polaris Sales Inc. as well as Gary Bozenich, owner of the property the accident took place on and the ATV driver's father, both in his individual capacity and as trustee for the Bozenich family trust. Vicky Bozenich was also named in the lawsuit, also in her individual capacity and as trustee for the Bozenich family trust. Bullough alleged that the Bozenich family were liable for premises liability, allowing a dangerous condition to exist and negligent repair or maintenance. The Polaris defendants were dismissed from the case.

Plaintiff's counsel contended that the Bozeniches were negligent in the way they maintained the property and that they knew of the dangerous condition of the driveway, as well as that guests would be using the driveway.

The defense contended that the driver of the ATV was intoxicated, the road was not dangerous and the roadway was properly maintained. Defense further argued that Bullough was comparatively at fault for urging the driver of the ATV to drink, causing the driver of the ATV to unreasonably encounter a specific known risk created by Bullough's negligence.

Injury:

Bullough was immediately transported from the scene of the accident to the hospital. Bullough was found to have suffered a traumatic brain injury, multiple open fractures of his facial bones, a skull fracture, a subdural hematoma, a pelvic fracture and a triangular fibrocartilage complex tear on the ulnar-side of his left wrist.

For treatment, Bullough underwent a craniotomy to evacuate the hematoma and he had an open reduction, internal fixation surgery for his pelvis fracture.

According to the plaintiff's counsel, Bullough is able to work again but still suffers from symptoms of his traumatic brain injury, which include irritability, memory loss, headaches and facial numbness. His counsel says he will require future medical care. He claims past medical specials of \$490,071.95.

Bullough sought recovery for his past and future medical costs and his past and future pain and suffering.

Result:

The parties agreed to settle prior to trial for Gary Bozenich's policy limits of \$1.5 million from his primary and excess home insurers.

Bryan Bullough

Trial Information:

Judge: Rita Federman

Trial Length: 0

**Trial
Deliberations:** 0

**Editor's
Comment:** This report is based on information that was provided by plaintiff's counsel and defense counsel for the excess insurer for the Bozenich defendants. Remaining defense counsel did not respond to the reporter's phone calls. The Polaris defendants were not asked to contribute.

Writer pidiculla