

# San Diego jury awards \$17.4M to victim rear-ended in collision

*Personal injury attorney Brian Panish argued on behalf of the 26-year-old filmmaker*

**By America Hernandez**  
Daily Journal Staff Writer

A jury in San Diego County Superior Court on Wednesday awarded \$17.4 million to a 26-year-old filmmaker after his car was rear-ended by a freight truck in a collision.

Plaintiff Russell Sheaffer, who suffered facial cuts, a concussion, and developed a degenerative condition in his jaw joints after the crash, didn't initially appear to be traumatically injured in court.

But personal injury attorney Brian Panish, partner at Panish Shea & Boyle LLP, convinced the jury that his client, a rising star filmmaker earning his doctorate in communications and culture, was no longer able to meet the demanding reading and critical thinking requirements to become a top scholar in his field.

Prior to the crash, Sheaffer had written and directed a documentary with James Franco called "Masculinity and Me," which was favorably reviewed in 2011 by The New York Times. His work centers around issues of gender and

performance.

"It was really the strategy of being very straightforward with the jury and letting them know the client was superbly talented, and that the injuries took him down enough that he wasn't going to reach that high expectation anymore even though he was still able to function," Panish said. "With dissertations and documentaries it's about being able to say something no one's said before, and I think over three weeks the jury got it."

Sole practitioner Carla DeDominicis also represented Sheaffer. *Sheaffer v. NuCO2*, 201200058735 (San Diego Sup. Ct., filed Nov. 21, 2012).

In 2012, a freight truck operated by soda carbonation company NuCO2 slammed into a line of five stopped cars going about 65 miles per hour, according to court documents.

Sheaffer's vehicle was third in line, but the rear-end force was enough to break his seat and project him through the windshield and onto the SUV in front of his car.

"This was an admitted liability case, and the allegation of brain damage was refuted by all CAT scans and MRIs, but apparently was still believed by the jury," said James Yukevich of Yukevich Cavanaugh, who represented the defendant.

Evidence of Sheaffer appearing

as a speaker at film festivals in the months preceding the trial was not admitted, which Yukevich said may have shown the jury a different image of the filmmaker, who has continued to produce films since the accident that have shown at the Tribeca Film Festival, the Berlin International Film Festival's Forum of New Cinema, and more.

In April, *Variety* named Sheaffer one of the Top 110 Students to Watch in its annual Educational Impact Report. He was the only student from the University of Indiana to make the list.

"I give every bit of credit to the advocacy of Mr. Panish, he's an excellent lawyer, but if we were to have dropped the jury into the last time he appeared at a film festival, not wearing a pain device above the ears, not having any memory problems, and very loquacious speaking in front of a large crowd, this jury would have seen the brain damage claims were nonsense," Yukevich said.

"They had to explain how it was humanly possible for someone with brain damage to get that award, they really had to minimize that because the announcement came right before trial, but the reality is that he's become a superstar with his work since the accident," the defense attorney added.

[america\\_hernandez@dailyjournal.com](mailto:america_hernandez@dailyjournal.com)