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Friday, July 31, 2015

## School District to pay \$20.5 million in illegal bus stop case

*Inland Empire school district found solely liable for forcing students to cross highway illegally*

By America Hernandez

A San Bernardino jury Thursday awarded \$20.5 million to the mother of a 15-year-old killed while crossing five lanes of highway traffic to an illegal school bus stop in 2010. *Jung v Chaffey et al.*, CIVDS1112258 (San Bernardino Super. Ct., filed Oct. 24, 2011).

Chaffey Joint Union High School District was found liable by the court during a pretrial sanctions hearing after evidence revealed that the school district concealed

damning emails and other documents pertaining to the illegal bus stop for nearly five years.

The jury exonerated the deceased student and the driver who struck him after 4½ hours of deliberation Thursday. Chaffey alone will pay noneconomic damages for past and future suffering.

"This was a case of absolute principle, for both my client and the firm, that had to go to verdict once it started," said plaintiff's counsel Rahul Ravipudi, partner at Panish, Shea & Boyle LLP. "This case shows dishonesty is not rewarded, and I think this will be a wake up call to school districts across the state to make sure they're doing things legally, appropriately, and safely for the benefit of our children."

In 2010 the district eliminated one of two bus stops located on either side of five lanes of highway, forcing students to illegally cross through traffic in an unmarked crosswalk without traffic signals or a crossing guard.

The decision to remove the bus stop was made without alerting the California Highway Patrol or the school district's superintendent.

The school district previously denied the bus stop's existence in court and refused to acknowledge or authenticate documents referring to the stop obtained by plaintiff's counsel.

After witness depositions revealed that the district instructed officials to routinely destroy documents at the end of every school year, San Bernardino County Superior Court Judge Brian S. McCarville ordered a hearing to consider the testimony of school district employees and subsequently found them incredible, court documents show.

A flash drive containing damning evidence, including email exchanges between school officials discussing the boy's health days after the crash, was submitted to the court by the school district.

The district, represented by Stephen M. Harber of McCune & Harber LLP, maintained the emails and school bus route maps proving the stop's existence had been accidentally placed in a computer folder containing attorney-client privileged correspondence and thus not found during discovery.

Harber did not respond to requests for comment.

"Since this tragedy for the Jun family, the district has redoubled our efforts and commitment to this priority," the school district said in a written statement Thursday.

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