

S I V E

S E A R C H

**Motor Vehicle**

Pizza Hut delivery driver ran red light, broadsiding car

Mediated Settlement: \$720,000.00

Case Type: Broadside, Motor Vehicle - Intersection, Motor Vehicle - Passenger, Motor Vehicle - Red Light

Case: Vivian Castro v. Restaurant Management Company of Wichita, Inc. d/b/a/ Pizza Hut No. 1933, and American Pizza Partners, LP, No. GN300039

Venue: Travis County District Court, 98th, TX

Judge: Jeanne Meurer|James Meyers

Date: 01-05-2004

**PLAINTIFF(S)****Attorney:**

Marc G. Rosenthal; Feazell, Rosenthal & Watson; Austin, TX, for Vivian Castro

**Expert:** None

**DEFENDANT(S)**

**Attorney:** J. Kevin Kindrid; Wilson, Elsar, Moskowitz, Edelman & Dicker; Dallas, TX, for American Pizza Partners, Restaurant Management Co. of Wichita, Inc

**INSURER:**

Evanston Insurance Company for Pizza Hut

**FACTS:**

On April 27, 2001, plaintiff Vivian Castro, 43, a store clerk, was a passenger in a car at the intersection of Bagdad Road and New Hope Road in Cedar Park. Edwin Schneider, who was delivering a pizza for a local Pizza Hut, ran a red light and hit the passenger side of the car. Both cars were severely damaged, and Castro sustained a back injury.

Schneider received a traffic citation for disregarding a red light.

Castro sued Schneider and his employers, Restaurant Management Co of Wichita Inc., operating as Pizza Hut No. 1933, and America Pizza Partners L.P, for negligence. Castro argued that Schneider was negligent in running the light and that he was in the course and scope of his employment with Pizza Hut. Pizza Hut was therefore vicariously liable, Castro alleged.

**INJURY:**

Castro suffered two herniated discs and had laminectomies and fusions at C4-5 and L5-S1.

The defense claimed that Castro's back injury was preexisting.

**VERDICT INFORMATION:**

The case settled in mediation for \$720,000. Schneider's insurance paid \$20,000 and Pizza Hut's carrier paid the remainder.