

## Jury awards injured Cleveland Greyhound passenger \$27 million in deadly 2013 crash



A Cuyahoga County jury found Greyhound Lines is responsible for the medical bills of a Cleveland man injured in this October 2013 collision between a bus and a tractor-trailer in White Deer Township, Pa. The jury found the bus driver, Sabrina Anderson, fell asleep and rear-ended the truck. (AP Photo/Milton Standard-Journal, Kevin Mertz)



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CLEVELAND, Ohio — A Cuyahoga County jury has ordered Greyhound Lines to pay more than \$27 million to a bus passenger injured in a 2013 crash after the driver fell asleep along a Pennsylvania highway and struck the rear of a tractor-trailer.

Mark Soberay, now 45, lost his right leg and underwent more than 30 surgeries to repair a hole in his heart, torn muscles in his shoulder and crushed bones in his foot, pelvis and arm.

"It's been complete hell," the Cleveland music studio owner said in a telephone interview. "It's made the most simple of things very difficult."

The jury awarded him \$23 million in compensatory damages and just over \$4 million in punitive damages after weeks of testimony in which Soberay's attorneys argued that Greyhound failed to enforce a rule requiring drivers to stop every 150 miles.

Greyhound "demonstrated reckless indifference to the safety interest" of both passengers and drivers by having contradictory rules and training procedures, and by not enforcing the 150-mile rule, the jury found.

"This decision was clearly designed to send a message to Greyhound to enforce its fatigue safety rules," Soberay's attorney, Chuck Kampinski, said after the verdict.

Lawyers for Greyhound said they plan to appeal the jury's decision, and declined to comment after the decision.

The verdicts were the first in several pending civil cases from around the country stemming from the Oct. 9, 2013 crash on Interstate 80 in Union County.

Sabrina Anderson of Cleveland drove the bus with 49 passengers from New York City to Cleveland. Soberay said he had gone to New York to cast actors for a music video.

Soberay was asleep in the front passenger seat about 1:30 a.m. when the bus smashed into the rear-end of a tractor-trailer, killing a **37-year-old tourist from Vietnam** and injuring more than 40 others.

The front passenger side of the bus crushed Soberay's lower body. He said the back of the truck was about five inches in front of his face, and that space was filled with broken pieces of the windshield.

Soberay lay trapped and conscious for three hours while rescue workers pulled him from the wreckage.

"We all know we're going to die, but that's the situation where I thought 'I'm going to die right now,'" Soberay said.



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The bus struck the back of a tractor-trailer around 1:30 a.m. Wednesday, Pennsylvania state police said.

Several passengers sued Greyhound in the court district in which they lived. Soberay filed his lawsuit in November 2013.

Greyhound's lawyers said that Anderson suffered a mini-stroke and passed out. She told the jury that her left leg and arm went numb moments before the crash, and she did not wake up until after the collision.

But the jury found on Jan. 22 that Anderson most likely fell asleep, and awarded Soberay more than \$23 million in compensatory damages.

During the second, punitive phase of the trial, Soberay's lawyers pointed to past Greyhound crashes in which the company said the drivers had suffered a medical emergency, despite investigators concluding the drivers likely fell asleep.

The case hinged on a rule in Greyhound's handbook that says drivers "are to stop every approximately 150 miles or three hours" to inspect the tires. The rulebook also says driver's should take the stops as an opportunity to get some "fresh air" to ward off driver fatigue.

White Deer Township, where the crash happened, is about 190 miles from New York City. Anderson said in a sworn deposition that the route from New York City to Cleveland had one scheduled stop, in a town about 225 miles from New York, and that she did not take stops that are not scheduled.

Greyhound officials testified that they consider the 150-mile rule a "guideline" and do not punish drivers for not following it. Greyhound Safety Director Al Smith pointed to another rule that allows drivers to use their discretion and not follow certain rules, based on the circumstances they encounter.

Greyhound's lawyers pointed out that drivers are told during safety training to stop as soon as they begin to feel tired, regardless of when the next stop is scheduled.

"Safety is simply [Greyhound's] business," Thomas Mannion said. "Accidents cost way more money than paying the driver for an extra 15 minutes."

The jury also found that Anderson should have been "relieved of her driving duties" before the 2013 crash. They pointed to several incidents detailed in Anderson's personnel file in which she was accused of driving erratically and not following the company's rules.

In a 2001 incident, a passenger wrote to Greyhound that Anderson told the entire bus she could crash into a wall if she wanted to after a passenger complained of her erratic driving.

"No amount of money can make up for my injuries," said Soberay, who has installed a hospital bed in his music studio. "If I could wave a magic wand and go back to my old self, I would do it in a heartbeat."