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Man gets \$7.25 million settlement after being run over by OCTA bus

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The Orange County Transportation Authority has reached a \$7.25 million settlement with a man who suffered leg injuries when he attempted to board a bus that had pulled away from the bus stop, officials said Wednesday.

Ronald E. Cunningham will receive the money within 30 days to settle a lawsuit that was scheduled for trial Wednesday. The settlement was reached late Tuesday night, said Cunningham's attorney Daniel J. Callahan.

OCTA spokesman Joel Zlotnik said the agency is responsible for paying \$3.1 million of the settlement. Zlotnik said that money comes from a reserve fund set aside for legal costs. OCTA's insurance company is paying the remaining costs.

Zlotnik said the agency would have preferred to see the case go to trial. OCTA's insurance company chose to settle the lawsuit, he said.

Cunningham, who had a blood-alcohol level of .27, was injured when he fell under a bus and was run over while attempting to board at the intersection of Main and LaVeta in Orange, said Callahan in a statement. To put that blood-alcohol level into context, it is more than three times legal limit for drivers of .08.

Cunningham, formerly a heating and air conditioning specialist, was already on full-time disability at the time of the accident.

According to Callahan, this is how the Dec. 14, 2007 incident happened:

Cunningham, who was planning to watch a football game, purchased two 18-packs of Budweiser at the CVS store on the corner of Main and LaVeta. He then attempted to board a bus that had already pulled away from the bus stop. After the bus stopped, Cunningham fell.

The coach operator claimed she never saw Cunningham. She told police at the scene that she would never allow a person with "unopened" alcohol to board her bus.

The driver admitted that although she never saw Cunningham, she heard him knock on the side of the bus before he fell. She also admitted she did nothing to investigate where the person who had knocked on the bus was before she pulled away for a second time, running over Cunningham's left leg with the right rear tire of the bus.

"He (Cunningham) was fully capable to go to the store and buy beer and equally as capable to walk back to the bus stop to go home," Callahan said in a phone interview Wednesday.

According to Callahan's statement, OCTA contended that Cunningham's conduct was unsafe in attempting to stop a bus while it was moving and that his elevated blood alcohol level caused him to fall under the bus.

Regarding customers who are intoxicated, Zlotnik said they should not be denied service solely for that reason.

"The bus could be used as an option for those who choose to drink ...as long as they conduct themselves in a safe manner and are not disrupting other customers," Zlotnik said.

Callahan said the amount of the settlement was justified by Cunningham's injuries.

"This was a horrific injury suffered by Mr. Cunningham," Callahan said. "Fortunately, he will now be able to address all of his medical needs going forward and live comfortably for the rest of his life."

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