



City of Gilroy

7351 Rosanna Street
GILROY, CALIFORNIA
95020

Telephone (408) 846-0400

FAX: (408) 846-0500

<http://www.ci.gilroy.ca.us>

Al Pinheiro
MAYOR

CONTACTS:

Al Pinheiro

(408) 483-3886

City Defense Counsel Tim Schmal

(831) 425-5023

March 18, 2008

PRESS STATEMENT FOR IMMEDIATE RELEASE

CLAIM BY BRAYAN TREJO'S FAMILY SETTLED WITH CITY OF GILROY, LAWSUIT AVERTED

The City of Gilroy has reached an amicable resolution with the family of Brayan Trejo related to Brayan Trejo's tragic death on June 27, 2006, when he was struck and killed in the crosswalk of Church and Tenth Streets by Robertina Franco. Ms. Franco was criminally-convicted for her negligence and inattention related to the accident, for her failure to yield the right-of-way to Brayan Trejo and his brother, Jesus Trejo, who were in the marked crosswalk with a green signal light.

Unfortunately, Ms. Franco, who should have been made to bear all of the fault and responsibility for the accident, carried only the minimum insurance coverage allowed by law, \$15,000.00 per person and \$30,000.00 per accident. Her insurer long ago tendered the limits of coverage to the Trejos' attorneys, who, in turn, presented claims to the City of Gilroy, related to the design and signalization of the intersection, which does not have a "left turn arrow" for Ms. Franco's direction of travel. The claims were presented by Brayan Trejo's parents, related to his death, and Jesus Trejo for having witnessed the accident.

The Trejo family will receive a total settlement of \$130,000.00, with the maximum settlement payment from Ms. Lopez' insurer, and the balance from the City. The parties mediated the dispute last November, and the settlement was reached recently to avoid the expense, and emotional difficulties, related to a lawsuit.

"This is such a tragic loss of life, and we are glad that a cost-economic resolution could be reached at a fairly early stage," stated Mayor Al Pinheiro. As was previously reported in The Dispatch, the City is moving forward with creating a memorial for pedestrians killed within the City, which will include a plaque bearing Brayan Trejo's name.

The settlement includes an explicit denial by the City of Gilroy of any fault or responsibility for the accident. "No amount of traffic engineering can prevent accidents caused by gross inattention," noted the Mayor. These cases are also quite expensive to defend, and parties on both sides saved a lot of money that would have been spent on attorneys and experts.

#