

# Jury: Cap Metro driver owes \$3 million for wreck; agency's liability unclear

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A Travis County jury decided Tuesday that a driver of a Capital Metro bus owes about \$3 million for a 2008 crash in Northwest Austin that left a 3-year-old boy with severe brain injuries and permanent disabilities.

The jury, after deliberating for about four hours in the eight-day trial, decided that Sharon M. Johnson, an employee of Capital Metro subcontractor First Transit, was 35 percent responsible for the injuries of Cade Calvert, who is now 6. Johnson, according to the original complaint in the lawsuit, was driving 38 mph in a 30 mph zone on Hart Lane and entered the intersection at Far West Boulevard on a yellow light.

Jami Robinson, who was driving a day care agency's Chevrolet Suburban on Far West that was carrying Cade and other children, ran the red light just before the collision and was found to have been 65 percent responsible for the total \$8.2 million liability. A confidential settlement was reached earlier with Robinson, said Robby Alden, a lawyer who represented the Calvert family. Johnson was the only listed defendant.

It was not clear Tuesday what liability Capital Metro, First Transit or Capital Metro's insurer might have in the case.

"I am hoping that Capital Metro is going to do what's right by this little boy and compensate him fairly, like the jury said they should," Alden said.

Capital Metro declined to take questions about the case, instead issuing a short email statement from Kerri Butcher, the agency's interim counsel.

"Capital Metro is assessing what impact, if any, this judgment has on the agency," the statement said, in part.

Arthur Walker, an Austin lawyer who represented Johnson, did not return a call for comment.

Alden said Capital Metro was not sued because of state law capping judgments for the agency at \$100,000 per person.

Despite that, Alden said Capital Metro could still end up owing the money through its insurer, the Texas Municipal League. Other state law, Alden said, likewise prevented him from finding out details of Capital Metro's insurance coverage during negotiations. That could change now, he said, as Johnson and the agency deal with the money she owes.

Johnson is still driving Capital Metro buses for First Transit, Capitol Metro spokesman Adam Shaivitz said.

According to the lawsuit, Johnson sped up before the intersection, despite instructions in the Texas Commercial Motor Vehicle Handbook and Capital Metro training materials that drivers slow down when approaching a stale green light. Stopping at the light would have meant being late to the next bus stop, according to the suit.

Cade required seven hours of surgery initially after suffering traumatic brain injuries in the crash, and he has a variety of problems stemming from the injuries, including anti-social behavior and loss of his senses

of taste and smell, according to the suit. When he was 5, the lawsuit said, he could not tie his shoes, brush his teeth or write his name.

His long-term medical costs, the family said, could be as high as \$20.8 million .

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