



FOR IMMEDIATE RELEASE
July 24, 2013

Contacts: Lawrence P. Grassini
Roland Wrinkle
Lars C. Johnson
818.348.1717

**JET SKIS WITHOUT AUTOMATIC STEERING CONTROL DECLARED DEFECTIVE
AND UNSAFE BY LOS ANGELES JURY**

Fabiola Esparza was 15 years old when she suffered a permanent brain injury as a passenger in a jet ski accident on July 4, 2008, at the Colorado River. Five years and eighteen days later, a Los Angeles jury awarded her \$21.7 million. Attorney Lawrence Grassini of Grassini, Wrinkle & Johnson of Woodland Hills, CA represented the young woman. Grassini said, "The 2001 Polaris Virage sit down jet ski, on which Esparza was riding, was designed so that, in an emergency, when the operator instinctively lets off the throttle, the jet ski loses its steering. Polaris knew it was dangerous, knew people were getting killed and injured and refused to fix it."

Polaris will be liable for about \$11.5 million under the jury's apportionment of responsibility, with the remainder assessed against the driver of the jet ski and the driver of the other boat involved in the collision. The award included \$14 million for Esparza's past and future pain and suffering and \$5.48 million for future medical care.

According to Grassini, the reason why Polaris refused to fix the problem was uncovered during pre-trial discovery when a series of email messages were revealed, saying "I just can't see putting \$30 more into the boat with our business in the state it is in," and "Personal watercraft deaths are up - Read and delete."

"The jury spoke loud and clear that jet skis without the ability to steer in an emergency are defective and unsafe," Grassini said.

Lars Johnson, Grassini's partner said, "I hope that Polaris will now provide an avenue for owners of the 2001 Polaris Virage to have their vessels replaced or fixed. Importantly, Fabiola Esparza will finally get the professional attention she needs and the burden will be removed from her older sister and primary caregiver, Angela."

Polaris has vowed to appeal the verdict, relying on one of their paid expert witnesses who testified that, when he was with the U.S. Coast Guard, he didn't think jet skis without off-throttle steering were dangerous. Johnson responded, "Polaris' hired Coast Guard expert was saying the machines weren't defective at a time after the entire industry had put safety fixes on all new

models. That just doesn't make any sense. The Coast Guard simply aligned themselves with the jet ski industry and now works for them."

The driver of the other boat was towing his three grandchildren in an inflatable float tied behind his 2004 Sea-Doo Utopia jet boat. Now 68, he testified he turned his vessel in front of the jet ski because he thought the smaller vessel would otherwise hit his grandchildren.

Esparza was 15 at the time of the accident, and she suffered injuries that Grassini and Johnson say will require her to have lifetime care. She and her fellow passenger, then 15, were riding on the jet ski driven by a third friend near Mayfield Park north of Blythe. She did not appear in court any time during trial, although her 2011 video deposition was played to the jury. The driver and the other passenger on the jet ski suffered less serious injuries. They and Esparza were members of a congregation of Jehovah's Witnesses visiting the river for the holiday.

Polaris, based in Medina, Minn., stopped making jet skis in 2004. The company now makes all-terrain vehicles, snowmobiles, motorcycles and other vehicles.

Grassini commented, "It is unfortunate Polaris has decided to keep fighting Fabiola after such a clear statement from the jury, but at least the publicity generated by the appeal will hopefully provide a warning to all unsuspecting users of jet skis without off-throttle steering that a hidden danger lurks beneath them."