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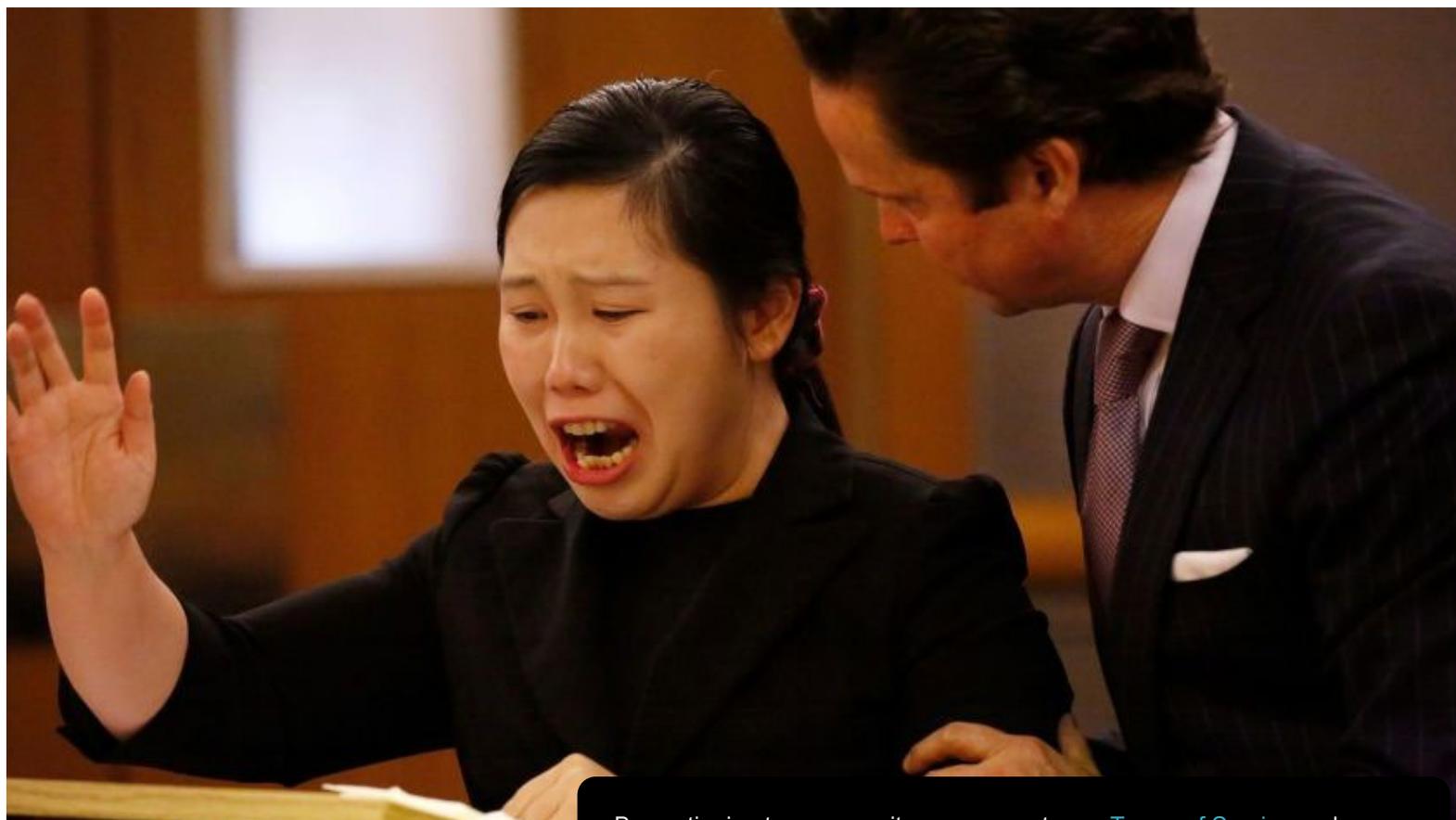
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CALIFORNIA

Driver must pay \$18 million for running over woman and daughter in Calabasas crosswalk



Yijing Chen and her mother were hit by a p and on Friday, a jury awarded Chen \$18 mil

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By MATT HAMILTON | STAFF WRITER
JAN. 29, 2020 | 5 AM

A jury has decided that a Malibu woman must pay \$18 million in damages for crashing into a mother and daughter who were in a Calabasas crosswalk, leaving one dead and the other injured, and later denying she was behind the wheel in the collision.

The jury also found Friday that Nicole Herschel, 39, acted with malice in the 2016 incident, which occurred at a 101 Freeway onramp. The surviving victim, Yijing Chen, had told authorities that after the crash, Herschel got out of her Chevy Silverado pickup, dragged the body of Chen's unconscious mother toward the curb, then reversed the truck and parked along an adjacent road.

Herschel waited at the scene of the crash, and when California Highway Patrol officers spoke with her, she maintained she came upon the injured women while driving to the supermarket. A CHP officer found her answers "evasive." Ultimately, the CHP recommended criminal charges against Herschel, and she was sentenced in 2017 to a year in jail after pleading no contest to vehicular manslaughter.

The multimillion-dollar civil verdict came after a brief trial this month in a Van Nuys courtroom. Chen's attorney, Jonathan Ritter, said the trial offered some measure of closure to his client, but she still suffers from the harrowing loss.

"If it was an accident, Yijing could have gotten over this easier," Ritter said. "But treating her mom like a dead animal? That's an image she can't get out of her brain."

Attorneys representing Herschel, who worked as a horse trainer in the Malibu area, did not respond

to messages seeking comment. In court papers, the defense lawyers acknowledged that Herschel was liable and that her negligence caused the crash. The lawyers disputed that Herschel dragged Chen's mother, and stated that she briefly "touched" and "lifted" her body. Herschel did not call 911, and her attorneys said that at the time, she did not think she was involved in the accident.

"I'm very sorry. I didn't see you guys and I didn't know," Herschel told Chen in a 2017 court hearing.

Ritter said Herschel's attorneys have repeatedly vowed to appeal. No formal appeal has been filed.

Chen previously told The Times that her mother, Hongfen Shen, 53, had been visiting from eastern China. Shen was newly widowed, and her daughter was studying in a graduate business program at Pepperdine University.

Just before 9 p.m. on June 5, 2016, the mother and daughter held hands as they walked along Las Virgenes Road, toward the nearby Albertsons. They stepped into the crosswalk and Chen said she felt her mother's arms start to pull away.

The CHP's investigative report details what happened next. Chen was thrown to the ground, and the truck ran over her left leg. She saw her mother's torso being run over by the truck's right rear tire, according to the interview she gave to investigators.

Herschel got out of the pickup.

"What happened to you? Why are you guys walking when the light is red?" Herschel said, according to records.

Chen and another witness told the CHP that the driver, later identified as Herschel, pulled Shen's body toward the curb, hopped back into the truck, and parked along Las Virgenes Road.

At the scene, Herschel told the CHP that her dog had jumped on her daughter's car seat, and while tending to the dog, she looked and saw the two women in the roadway.

Authorities seized Herschel's truck a few days later at a Los Angeles International Airport parking lot, and an officer noticed the truck had been recently washed, according to CHP records. Investigators found a strand of dark hair above the rear axle, and also saw marks along the truck's frame that appeared consistent with Hongfen Shen's footwear.

"There were obvious signs of scrubbing/rubbing over and adjacent to the marks," the officer said in the investigative report.

The CHP had recommended that prosecutors file a felony hit-and-run charge along with misdemeanor charges of manslaughter and tampering with evidence at the scene. The Los Angeles County district attorney's office opted for the single misdemeanor manslaughter charge, which carries at most one year in jail.

When Herschel was sentenced to the maximum penalty, Chen still lamented the punishment.

"I will never have my mother back," Chen said amid tears. "A year from now, she'll get out and enjoy the Malibu sunshine and fresh air."

According to booking records, Herschel served about five months in jail.

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