MEMORANDUM

April 5, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: KENNETH A. MARANGA
Maranga * Morgenstern

OWEN L. GALLAGHER
Principal Deputy County Counsel
General Litigation Division

RE: **Roger Holquin v. County of Los Angeles**
Los Angeles Superior Court, Central District Case No. BC275564

DATE OF INCIDENT: March 6, 2001

AUTHORITY REQUESTED: $199,999

COUNTY DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☑ Recommend to Board of Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on April 18, 2005

HOA.287799.1

SUMMARY

This is a recommendation to settle for $199,999, a dangerous condition lawsuit brought by Roger Holquin for injuries he sustained as a result of slipping and falling on a flight of stairs at LAC+USC Medical Center on March 6, 2001. The Workmen's Compensation carrier for Roger Holquin has a lien for recovery of benefits awarded to Roger Holquin as a result of this incident, which is also being resolved by this settlement.

LEGAL PRINCIPLES

The County is liable for injuries caused by a dangerous condition of its property if the property was in a dangerous condition at the time of the injury, the injury was caused by the dangerous condition, the dangerous condition created a foreseeable risk of the type of injury that was suffered, and the County had actual or constructive notice of the dangerous condition.

SUMMARY OF FACTS

On March 6, 2001, Roger Holquin, a 59-year-old Professor of Business at East Los Angeles Community College, was giving a lecture at LAC+USC Medical Center. As Mr. Holquin was exiting the rear entrance of the North Hall College of Nursing building, he slipped and fell down a flight of four concrete steps leading from the building to an adjacent parking lot. As a result of this fall, Mr. Holquin sustained injuries to his right shoulder and lower back, both of which required several surgical procedures to repair. He also sustained a fracture of one of the bones in his right foot.

An investigation of this incident indicated that at the time of Mr. Holquin's fall, it had been raining in the area, and the concrete steps were wet. Although black grip tape was present at the edge of each step, the tape was worn, frayed, and missing in several areas. A protective handrail, which had been in place on the steps during the 1990's, had been removed for an unknown reason by January 2000, and had not been replaced. Further, the County did not maintain a reasonable system of inspection of the concrete steps to insure that a condition of grip tape, a condition of the concrete steps, or the absence of a protective handrail did not expose users to a substantial risk of injury during inclement weather.

DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Roger Holquin,	
Loss of Future Earnings	$ 20,000

Pain and Suffering		$300,000
Costs of Litigation		$ 10,000
Workmen's Compensation Lien		$180,000
	TOTAL	$510,000

The proposed settlement includes:

Roger Holquin,		
Cash Settlement		$ 63,299
Attorneys Fees		$ 26,700
Costs of Litigation		$ 10,000
Workmen's Compensation Lien		$100,000
	TOTAL	$199,999

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through March 10, 2005, are attorneys fees of $48,173 and $20,532 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)		$199,999
County Attorneys Fees and Costs		$ 68,705
	TOTAL	$268,704

EVALUATION

The County of Los Angeles may be liable for a dangerous condition of steps, which, because of a defect, caused injury, and the County had actual or constructive notice of the dangerous condition for a reasonable time prior to the accident and failed to protect against the condition. The failure to maintain a reasonable system of inspection of the concrete steps to insure that a condition of the grip tape, a condition of the concrete steps, or the absence of a protective handrail did not expose users to a substantial risk of injury during inclement weather, would subject the County to liability.

We join with our private counsel, Maranga * Morgenstern, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of $199,999.

The Department of Health Services concurs in this settlement.