

MEMORANDUM

July 18, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JOHN COLLINS, ESQ.
Collins, Collins, Muir, and Stewart

TIGHE F. HUDSON
Principal Deputy County Counsel
General Litigation Division

RE: Darin Readmond v. County of Los Angeles
Lancaster Superior Court Case No.: MC017109

DATE OF
INCIDENT: July 28, 2005

AUTHORITY
REQUESTED: \$199,000

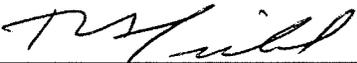
COUNTY
DEPARTMENT: Department of Public Works

CLAIMS BOARD ACTION:

Approve

Disapprove

Recommend to Board of
Supervisors for Approval


_____, Chief Executive Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on September 17, 2007

SUMMARY

This is a recommendation to settle for \$199,000 the dangerous condition lawsuit brought by Darin Readmond for the personal injuries he sustained in an automobile accident which occurred on July 28, 2005.

LEGAL PRINCIPLE

The County may be held liable for injuries caused or contributed to by a dangerous condition of County roadways and property.

SUMMARY OF FACTS

This action arises out of a head-on vehicle accident which occurred in the late afternoon of July 28, 2005, on a curve of Sierra Highway southerly of its intersection with Pearblossom Highway in unincorporated County territory.

Sierra Highway is classified as a major highway in the County Roadway System. It is an important cross-mountain commuter route, acting as an alternative to the Antelope Valley Freeway (SR 14) between the Antelope Valley and the Santa Clarita Valley. The roadway was relinquished by the State of California to the County when the Antelope Valley freeway opened.

On that portion of Sierra Highway from the Antelope Valley Freeway junction to Pearblossom Highway, the roadway runs essentially in a north-south direction, north leading to the City of Palmdale and south leading to the junction with the Antelope Valley Freeway. This segment experiences relatively high speed and high volume in vehicular traffic. The property adjacent to the roadway in this area is undeveloped. The highway grade runs slightly uphill from north to south. In this area, there were two striped lanes in each direction and a solid yellow centerline separating the directions of travel. The accident occurred at 0.4 miles south of Pearblossom Highway, where Sierra Highway curves to the right for southbound traffic, and to the left for northbound traffic.

At the time of the accident, Darin Readmond, age 38, was driving his F250 pick-up truck southbound on Sierra Highway in the number one traffic lane (the lane closest to the center line), when a northbound F150 pick-up truck failed to negotiate the curve and crossed over the center line, colliding into Mr. Readmond's vehicle. The driver of the other vehicle, 28-year-old Angel Arambula, was unlicensed and uninsured.

Mr. Readmond sustained serious leg injuries in the accident, including a fractured femur, necessitating hospitalization and surgeries. Mr. Arambula also sustained serious injuries in the accident. Both drivers were evacuated from the accident scene by helicopter and treated initially at the Providence Holy Cross Medical Center in Mission Hills.

The California Highway Patrol investigated the accident and determined that Mr. Arambula was the cause of the accident, for driving at an unsafe speed for traffic conditions.

Mr. Readmond underwent surgery at the Holy Cross Medical Center to repair his fractured left femur. A steel rod was inserted and pinned to fixate the fractured bone, which remains in place to the present time. He remained a patient at Holy Cross Medical Center for ten days after surgery, while he was observed postoperatively and underwent rehabilitation to regain the ability to ambulate. During that time he experienced a blood clot in the affected leg which caused him severe pain, requiring further treatment, and which was attributed by his surgeon to the accident injury. After he was released from the hospital, he was seen several times by his surgeon for x-rays and physical evaluation to assure that the internal damage was healing, and to treat infection of the superficial surgical site. Additionally, Mr. Readmond was treated for persistent and continuing pain. He was advised that the pain would persist for an unknown duration but may be reduced by ultimate removal of the surgical appliances. Another surgery will be needed to remove the rod at a later date.

Mr. Readmond was a shoer of horses which involved extensive physical activity. He also was an active sportsman prior to the accident. He claims that the leg injury sustained in the accident and chronic pain have limited his employment and recreational opportunities.

Mr. Readmond brought suit against the other driver, Mr. Arambula, and the owner of the other vehicle, as well as the County of Los Angeles. As against the driver and owner, he alleges negligence. As to the County, he alleges that the roadway was in a dangerous condition and lacked necessary and appropriate safety features and controls, such as a median guardrail, to protect and safeguard motorists from cross-over accidents at the subject location.

Both the driver and owner of the F150 pick-up truck are unlocatable and have not participated in the litigation. The owner of the F150 pick-up truck carried minimum liability insurance in the amount of \$15,000.

DAMAGES

If the matter proceeds to trial, Mr. Readmond will likely seek the following:

For past medical treatment	\$ 100,600
For future medical treatment	\$ 25,000
For loss of earnings and earning capacity, past and present	\$ 125,000
For general damages (including pain, suffering and non-economic damages)	<u>\$ 600,000</u>
TOTAL	\$ 850,600

The proposed settlement calls for the County to pay Mr. Readmond \$199,000. The insurer of the truck has already contributed the \$15,000 liability insurance proceeds toward settlement.

STATUS OF CASE

The County was recently served with a CCP 998 statutory demand to compromise in the amount of \$199,000.

In response to the CCP 998 demand, the case was most recently roundtabled on June 20, 2007, with the Department of Public Works administration, defense counsel and County Counsel, resulting in a joint recommendation to authorize settlement in the amount of \$199,000. While this settlement is in process pending approval from the Claims Board and Board of Supervisors, the deadline on County's response to the CCP 998 demand has been extended upon mutual agreement of counsel.

The case was previously roundtabled with representatives of Carl Warren and Company, Chief Executive Office Risk Management, County Counsel and the Department of Public Works staff on November 8, 2006, and February 13, 2007. The case was evaluated with a County exposure in excess of \$500,000.

The case has a current trial date of September 14, 2007.

Expenses incurred by the County in defense of this matter are attorneys' fees in the amount of \$54,255 and costs in the amount of \$21,811.

EVALUATION

This accident occurred at the same location on Sierra Highway as the December 2001 accident which resulted in the litigation of Robianes v. County. That accident was similarly caused by a vehicle crossing over the centerline and colliding into approaching traffic on the subject curve. Robianes v. County was resolved by way of a settlement in the amount of \$1,750,000.

After the Robianes settlement and before the date of the accident involving Mr. Readmond, the County resurfaced and restriped the roadway and installed a regulatory 50 miles-per-hour speed limit sign on southbound Sierra Highway. The subject curve was signed with speed advisory and warning signs in each direction. These traffic controls notwithstanding, the road has a subsequent history of cross-over and other traffic collisions.

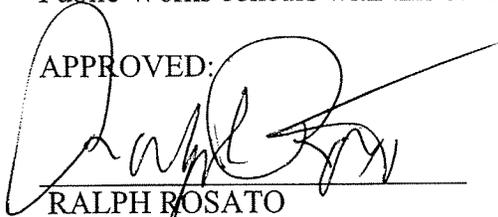
Although the Department of Public Works believes that the traffic controls at the incident location were reasonable and appropriate, a jury could find that additional measures, such as a median guardrail, were needed to protect against cross-over accidents and safeguard motorists driving through this curve.

The settlement will avoid further litigation expenses and a potential jury verdict against the County substantially in excess of the settlement amount. We believe this disposition is in the best interest of the County.

RECOMMENDATION

We join our third party administrator, Carl Warren and Company, and our private counsel, Collins, Collins, Muir, and Stewart, in recommending a total settlement of this matter in the amount of \$199,000. The Department of Public Works concurs with this settlement.

APPROVED:

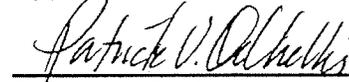


RALPH ROSATO
Assistant County Counsel
General Litigation Division

RLR:TFH:ac

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

Approved



Patrick V. DeChellis
Deputy Director

LAWSUIT OF: Darin John Readmond

INCIDENT DATE: July 28, 2005

INCIDENT LOCATION: Sierra Highway 0.4 miles South of Pearblossom Highway

RISK ISSUE:

Dangerous condition of roadway due to poor design and traffic control.

INVESTIGATIVE REVIEW:

Sierra Highway, between the Antelope Valley Freeway and Pearblossom Highway, is a 44 to 54 feet wide north-south highway and is striped for two lanes in each direction with a solid yellow centerline separating the directions of travel. The incident location was 0.4 miles south of Pearblossom Highway where Sierra Highway curves to the right and runs slightly uphill for southbound travel. In July 2001, the City of Palmdale completed a cooperative roadway improvement project with the County that included minor widening and resurfacing of Sierra Highway from Fort Tejon Road to 0.39 miles south of Pearblossom Highway (the incident location). The portion of the roadway southerly of the terminus of this project was not included in the project limits. Lane striping between the existing roadway and the resurfacing project was reasonable and appropriate. On February 15, 2001, as part of an Engineering and Traffic Survey, an Average Daily Traffic (ADT) survey recorded 41,388 Vehicles Per Day using this portion of Sierra Highway. On October 29, 2001, a prevailing speed of 54 mph was measured.

There are no intervening highway intersections or streetlights between the Antelope Valley Freeway and Pearblossom Highway, and there are two curves along this segment of the highway. For southbound travel there was no posted speed limit signage south of Pearblossom Highway. The incident curve was signed with speed advisory and curve warning signs in each direction. The roadway was relinquished by the State to the County when the Antelope Valley Freeway opened. The Department is aware of crossover and other traffic collisions along this section of the roadway.

The collision which is the subject of the litigation occurred on July 28, 2005 at approximately 6PM. Darin John Readmond age 38 a self employed farrier in the business of shoeing horses was driving a 2002 Ford F250 pickup truck. He was traveling in the number 1 southbound lane at approximately 50-55mph. The Traffic Collision Report (TCR) said there was an odor of alcohol in the vehicle and Mr. Readmond had consumed two beers earlier in the day. There were opened and unopened beer cans in the vehicle. Blood was drawn at the hospital, but tests were negative for blood alcohol content.

Angel Arambrula age 27 was driving a 1997 Ford F150 pickup truck traveling in the

number 1 northbound lane. The TCR said there was also an odor of alcohol in the vehicle and there were three emptied beer cans in the vehicle. Blood was drawn at the hospital, but tests were negative for blood alcohol content.

Robert Martinez age 52 was driving a 2005 Honda CRV and was traveling in the number 1 northbound lane also. Mr. Martinez was traveling in front of Mr. Arambrula and due to stop and go traffic was slowing to approximately 5mph. Mr. Arambrula failed to react to the slowing traffic and collided with the rear of Mr. Martinez's vehicle. The collision caused Mr. Arambrula to veer across the painted median and into the path of Mr. Readmond. Both vehicles were similar Ford pickup trucks and both drivers suffered similar leg injuries.

POLICY ISSUES:

Following a previous accident (Robianes) at the same location on Sierra Highway in December 2001 Public Works resurfaced and restriped the roadway and installed 50mph regulatory speed signs on southbound Sierra Highway. Public Works believes these controls are appropriate and no other actions were taken.

CORRECTIVE ACTION:

Public Works has continued to monitor traffic conditions for this segment of highway and has initiated an improvement project on Sierra Highway from the Antelope Valley Freeway (SR14) north bound on-ramp to Pearblossom Highway. The project consists of realigning the roadway with two lanes in each direction, a 12-foot wide striped median and paved shoulders. In the interim by May 2008 Public Works will install flashing beacons at the curve advisory signs and will be adding additional signage at other locations along the roadway.

The schedule for the improvements is dependent on the acquisition of necessary Right-of-Way and the completion and approval of the Environmental Impact Report. If Right-of-Way cannot be acquired by December 2008, Public Works is prepared to initiate the eminent domain process starting January 2009.

The milestone schedule for the Project is as follows:

	Right-of-Way acquired without Eminent Domain	Right-of-Way acquired by Eminent Domain
Draft EIR out for Public Review	January 2008	January 2008
Board approval of the EIR	May 2008	May 2008
Right-of-Way Acquisition	December 2008	December 2009
Advertise	February 2009	February 2010
Award	April 2009	April 2010
Begin Construction	June 2009	June 2010