

MEMORANDUM

February 27, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: BRIAN T. CHU
Senior Deputy County Counsel
General Litigation Division

RE: Erika Cline, Dina Larabee, & Frank Cline v. County of Los Angeles
Los Angeles Superior Court Case No. KC044774

DATE OF INCIDENT: November 21, 2003

AUTHORITY REQUESTED: \$100,000

COUNTY DEPARTMENT: DEPARTMENT OF PUBLIC WORKS - ROAD

CLAIMS BOARD ACTION:

- Approve Disapprove Recommend to Board of Supervisors for Approval

ABSENT, Chief Administrative Office
ROCKY A. ARMFIELD

John Krattli, County Counsel
JOHN F. KRATTLI

Maria M. Oms, Auditor-Controller
MARIA M. OMS

on April 3, 2006

SUMMARY

This is a recommendation to settle for \$100,000, the lawsuit brought by Erika Cline, Dina Larabee and Frank Cline, seeking damages for the personal injuries received by Erika Cline in a solo vehicle accident on November 21, 2003.

LEGAL PRINCIPLE

The County may be held liable for damages caused or contributed to by a dangerous condition of public property, when it is established that there was a dangerous condition, the injury was caused by the dangerous condition, the dangerous condition created a risk of the kind of injury that occurred, and the public entity had notice of the dangerous condition.

SUMMARY OF FACTS

On November 21, 2003, Andrew Neal was driving his pick-up truck northbound on Glendora Mountain Road approximately 1 mile north of Big Dalton Canyon Road in unincorporated County territory. Erika Cline and three others were passengers in the pick-up truck. As Mr. Neal approached a right curve at 40 miles an hour, his headlights were reportedly shut off. He was unable to negotiate the curve, and ran off the edge of the road and down the embankment. Ms. Cline, who was 15 years old at the time of the accident, was ejected from the pick-up truck and suffered a broken back and a concussion.

The section of Glendora Mountain Road where the accident occurred is a windy and mountainous two-way road with a posted speed limit of 40 miles an hour. This road has two traffic lanes in each direction of travel, divided by a double-yellow center line with white edge striping on each side of the road. At the accident site, the road curves sharply to the right. The outside of the curve has a dirt shoulder and berm measuring approximately four feet wide and two to two and one-half feet tall. Beyond the berm and shoulder is a steep, 75-foot downslope. The curve was preceded by a reverse curve ahead sign and 20 mile an hour speed advisory sign.

The California Highway Patrol investigated the accident and concluded that Mr. Neal was traveling too fast for the existing road conditions.

Ms. Cline alleges that Glendora Mountain Road existed in a dangerous condition because it lacked an embankment guard rail to prevent vehicles from running over the embankment, and because it had inadequate signage to warn drivers of the sharpness of the curve.

DAMAGES

Ms. Cline's parents, Dina Larabee and Frank Cline, sustained nominal economic damages for Kaiser Health Insurance co-payments paid on behalf of their daughter. Ms. Cline claims the following economic and non-economic damages:

Past medical treatment & therapy (Kaiser Hospital lien)	\$ 300,000
Future therapy	\$ 5,000
Pain and suffering	<u>\$1,000,000</u>
TOTAL	<u>\$1,305,000</u>

STATUS OF CASE

The parties negotiated this settlement while preparing the case for trial, which was scheduled for March 14, 2006. The settlement calls for the County to pay Ms. Cline \$100,000. In addition, Mr. Neal's insurer is contributing its full automobile insurance policy limit of \$100,000 for a total settlement of \$200,000. Ms. Cline will be responsible for negotiating and resolving the Kaiser Health Insurance lien. Dina Larabee and Frank Kline have agreed to dismiss their portion of the lawsuit.

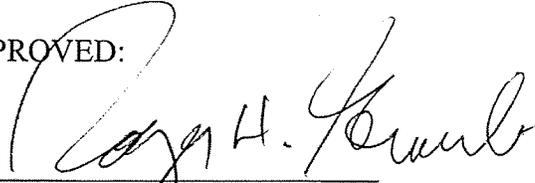
Expenses incurred by the County in the defense of this matter are attorneys' fees of \$151,268 and costs of \$37,391.

EVALUATION

This is a matter of contested liability. The parties dispute whether the roadway's physical features conform to the CalTrans Manual, and the significance of three prior accidents as they relate to the circumstances of this case, which could result in apportioned liability. A settlement at this time will avoid further litigation costs and a potential jury verdict in excess of the recommended settlement amount.

We believe that settlement of this matter in the amount of \$100,000 is in the best interest of the County. The Department of Public Works concurs in this settlement recommendation.

APPROVED:

A handwritten signature in cursive script, appearing to read "Roger H. Granbo". The signature is written in black ink and is positioned above a horizontal line.

ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:ac

