

MEMORANDUM

September 21, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD  
FROM: SYNA N. DENNIS  
Senior Deputy County Counsel  
General Litigation Division  
RE: Sheronda Roquemore vs. Alejandro R. Victor, et al.  
Los Angeles Superior Court Case No. YC049358

DATE OF INCIDENT: December 3, 2003

AUTHORITY REQUESTED: \$45,000

COUNTY DEPARTMENT: The Department of Public Works

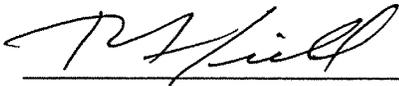
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CLAIMS BOARD ACTION:

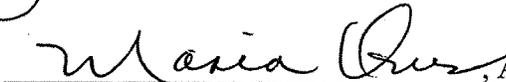
Approve

Disapprove

Recommend to Board of Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on October 25, 2005

## SUMMARY

This is a recommendation to settle for \$45,000, the lawsuit brought by Sheronda Roquemore seeking damages for the personal injuries she sustained on December 3, 2003, in a pedestrian/vehicle accident.

## LEGAL PRINCIPLE

The County may be held liable for damages caused or contributed to by a dangerous condition of public property, if the County owns or controls the property.

## SUMMARY OF FACTS

The accident occurred at the intersection of Hawthorne Boulevard and Broadway in the City of Hawthorne ("City"). Ms. Roquemore was walking eastbound across Hawthorne Boulevard in a marked crosswalk, when she was struck by an automobile that was traveling northbound on Hawthorne Boulevard. The motorist is uninsured.

The County designed the traffic signal plan and established signal timing operations for pedestrian and vehicular traffic at the location, pursuant to a Traffic Signal Synchronization Project with the City.

Hawthorne Boulevard runs in northerly and southerly directions. It is a wide street, with four traffic lanes in each direction. The intersection is controlled by tri-color traffic signals for vehicular traffic, with pedestrian heads and controls. Northbound and southbound lanes of travel are divided by a raised median. Pedestrian controls are located on either side of Hawthorne Boulevard, as well as in the median area.

Ms. Roquemore testified that seconds after she left the southwest corner of Broadway and Hawthorne Boulevard, the pedestrian signal changed from the white walking person (symbolizing walk) to a flashing red upraised hand (symbolizing don't walk), and that the pedestrian signal was still a flashing red upraised hand as she proceeded across the median into the northbound lanes of travel on Hawthorne Boulevard.

Ms. Roquemore sustained serious personal injuries in the accident and was hospitalized. She required extensive medical treatment for a broken pelvis, right foot and other orthopedic injuries.

The California Highway Patrol investigated the accident and concluded that the operator of the vehicle was the primary cause for his failure to yield the right of way to the pedestrian. No blame was placed on the pedestrian.

Ms. Roquemore sued the City and the County for creating and maintaining a dangerous condition of public property. She also sued the driver for negligent operation of his vehicle. Specifically, as against the public entities, Ms. Roquemore alleged that pedestrian timing creates a trap condition for pedestrian traffic by not allowing sufficient time for pedestrians to complete their movements across all traffic lanes of Hawthorne Boulevard prior to the change of traffic signals for vehicular traffic, and that this condition caused or contributed to the occurrence of this accident. She further alleged that pedestrians should be instructed to stop at the median area and wait for a second pedestrian cycle to complete their movements across Hawthorne Boulevard.

### DAMAGES

If this matter proceeds to trial, we anticipate that Ms. Roquemore would introduce evidence of the following damages and losses:

Medical expenses	\$ 53,675
Lost earnings	25,000
Future loss of earnings	25,000
Future medical expenses	115,000
General damages for pain and suffering	<u>250,000</u>
TOTAL:	\$ 468,675

### STATUS OF CASE

On August 9, 2005, a mediation was conducted resulting in this proposed global settlement with the County and the City, in which the entities each contribute \$45,000 in settlement of all claims.

Expenses incurred by the County in the defense in this matter are attorney's fees of \$65,209 and costs of \$5,055.

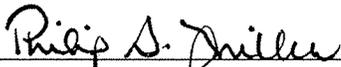
### EVALUATION

This is a matter of contested liability. The City's motion for summary judgment based upon design immunity was rejected by the trial court. While the County maintains that signal operations conformed to appropriate guidelines when originally designed, changes in these guidelines raise a triable

issue as to the reasonableness of the current pedestrian timing. Additionally, the pedestrian timing guidelines contained in the U.S. Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices 2003 Edition, which have a final compliance date of December 22, 2008, provide that pedestrian clearance time should be sufficient to allow pedestrians to travel from curb to curb in one cycle. A jury could conclude that the timing plan created a "trap" for pedestrians and award a verdict far in excess of the proposed settlement.

We believe that settlement of this matter in the amount of \$45,000 is in the best interest of the County. The Department of Public Works concurs with this settlement recommendation.

APPROVED:

  
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PHILIP S. MILLER  
Assistant County Counsel  
General Litigation Division

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