

Defendant contended that there were parking attendants present to direct traffic and to warn guests how to get to the theater, plaintiff was warned not to exit over the fence, the parking lot was adequately lit, there was a safe exit from the parking lot to the theater, and defendant's employees directed plaintiff and other invited guests to walk in a certain direction.

#### CLAIMED INJURIES

According to court records: Compound fracture of tibia and fibula; surgery; hip; ankle; emotional distress; physical therapy.

#### CLAIMED DAMAGES

According to court records: \$77,804 medical expenses.

#### SETTLEMENT DISCUSSIONS

Not reported.

#### EXPERTS

Plaintiff: Not reported.

Defendant: Anthony C. Stein, Ph.D., human factors expert, Safety Research Associates, La Canada (818) 952-1500.  
 Ronald S. Kvitne, M.D., orthopedic surgeon, Kerlan-Jobe Orthopedic Clinics, Inglewood (310) 674-5200.  
 Constantine M. Boukidis, M.A., economist, Los Angeles (213) 817-6600.

#### COMMENTS

According to court records: The complaint was filed on April 20, 2010.

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## Roof collapse causes incomplete paraplegia

#### PREMISES LIABILITY

Other/Falling Object

#### ORANGE COUNTY SUPERIOR COURT

*Confidential v. Confidential*, Docket number: Confidential.  
 Trial type: Settlement. Settlement date: October 2010.

#### SETTLEMENT: \$9,000,000

#### COUNSEL

Plaintiff: Joel Krissman, Stolpman, Krissman, Elber & Silver, Long Beach.

Defendant: Dana John McCune, McCune & Harber, Los Angeles. Kenton E. Moore, McCune & Harber, Los Angeles. Paul Burke, Kaiser, Swindells & Eiler, Long Beach. Russel A. Franklin, Schaffer, Lax, McNaughton & Chen, Los Angeles.

#### FACTS/CONTENTIONS

According to plaintiff: Plaintiff, 58, attending a public vocational school, was catastrophically injured when the roof collapsed during a class session on December 15, 2008. Defendants were the public school entity, the private land owner, the roofer, and the heating and air conditioning (HVAC) subcontractor. The building most recently had a new roof and HVAC work performed on the roof approximately 16 months before the accident. Before that, in the 1990s, the building had been converted from a warehouse to a public career and vocational school.

Plaintiff alleged the immediate cause of the subject accident was overloading of the flat panelized roof with accumulated rain water build-up due to an improperly maintained, inspected, and modified roof drain system which had clogged up. Further, for many months before the accident, there was evidence of roof sag and weakening, which likely contributed to the roof failure.

Defendants contended that the failure was contributed to by acts and omissions of the other defendants, including improper roof and drain maintenance, inspections, roofing, and HVAC work.

#### CLAIMED INJURIES

According to plaintiff: T4 spinal cord injury; incomplete paraplegia requiring rod fixation and posterior spinal fusion T3-T6; mild traumatic brain injury; multiple rib fractures; right hemothorax; multiple foot fractures left leg.

Plaintiff was hospitalized and in rehabilitation facilities for six months post-accident.

#### CLAIMED DAMAGES

According to plaintiff: \$200,000 past medical bills; \$5,000,000 life care plan; and \$290,000 lost wage and earning capacity.

Defendant claimed a \$2,000,000 life care plan.

#### SETTLEMENT DISCUSSIONS

Not reported.

#### EXPERTS

Not reported.

#### COMMENTS

According to plaintiff: Dana John McCune and Kenton E. Moore represented defendants public school and landowner. Paul Burke represented defendant roofer. Russell A. Franklin represented defendant HVAC contractor.