

**Paul and Patricia Day vs. Collich & Sons,
County of Los Angeles Sanitation District**

Case No. C754 954

Verdict Date: January 11, 1994

TOPIC: Negligence: Bicyclist Hits Asphalt Ramp in Bike Lane

RESULT: \$2,850,000 gross; \$1,412,500 net (verdict) against Collich & Sons; Plaintiff found 50% comparatively negligent. Defense for Sanitation District. \$2,600,000 specials: \$200,000 general; \$50,000 for loss of consortium.

SPECIALS: Medical Costs: \$297,000 past; \$200,000-\$1,340,000 future; Loss of Earnings: \$244,000 past, \$1,100,000 future

INJURY: Broken ribs and clavicle, head trauma, organic brain damage. Wife in for loss of consortium
Residuals: Permanently disabled as a fireman, memory loss, aphasia, cognitive deficits, problems retaining and using information.

AREA: San Fernando, CA **JUDGE:** Bruce Sottile

PLAINTIFF ATTORNEY: George Knopfler & Richard P. Riley (Knopfler & Robertson), Universal City

DEFENDANT ATTORNEY: Katherine Pene & Terry Porvin (Hamerick, Garrato & Pene), Los Angeles

FACTS: 8/22/89: Plaintiff, 30 year-old fireman and bike rider was riding in Santa Clarita in a marked bike lane. He struck a makeshift asphalt ramp that was sticking out 2 feet into a 10 foot bike lane. Collich & Sons was in process of completing a nearby construction project, and still using ramp for egress/ingress.

PLAINTIFF CLAIMED Defendant Collich should have coned off or removed the ramp. Collich should have cleaned concrete spill in general area. Concrete spill and/or ramp constituted hazards that caused accident to occur. The Los Angeles County Sanitation District failed to supervise Collich's general inspections of the site where this accident occurred.

DEFENDANT ARGUED the area where the accident occurred was not in any construction zone, (Collich's contract related to riverbed areas only). The ramp only protruded 2 feet, and this was not a hazard. Collich did not spill concrete, (which was 60 feet from ramp), even if so there was no duty to clean up. This accident was sole negligence on Plaintiff for not wearing a bike helmet.

INSURANCE COMPANY: AIG/Industrial Underwriters

OFFER: \$250,000 raised \$1,100,000 after close of Plaintiffs close.

DEMAND: \$3,000,000

TRIAL TIME: 5 weeks **JURY TIME:** 5 days **POLL:** 9-3 liability, 10-2 damages.

Tri-Service Reference No. 94-13-02