

SUMMARY: SLIP AND FALL (Drainage Grate at Panorama City Mall)
COUNTY: Los Angeles **STATE:**CA

This case published as SPECIAL INTERESTI

Confidential Report For Attorneys: 1985 No. 06 Pg 4

One of the largest recoveries for a Slip and Fall for the type of injury--disc--sustained in Los Angeles County's history. Prior to Trial, deft's Insurance Company raised offer from \$6,000 to \$1,000,000 in one month--may set new Standard for the Value of Slip and Fall cases with disc injuries.

SETTLEMENT: \$1,000,000 cash (case settled 10 days before Trial)

ATTORNEYS: Pltf: Moray & Moray by Howard A. Kapp (LA).
Deft #1 & #2: Kurlander, Hix & Melby by Phyllis Hix (San Marino).
Deft #3: Edward L. Le Berthon Law Offices by Harvey Goldhammer (Hollywood).

DOCTORS: Pltf: Donald Springer (Neuro Surg-Burbank)
Deft: Earle Crandell (Neuro Surg-LA)

DEMAND: \$300,000 raised to \$1,000,000 policy as per pltf's Atty

OFFER: \$6,000 raised to \$650,000 in negotiations as per pltf's Atty

SPECIALS: \$30,000 past MED, \$20,000 (approx) future MED; \$20,000 past LE, as per pltf's Atty.

FACTS: Incident occurred on 3-7-81 when Pltf (23-Cashier at Fedco) was walking through the parking lot of the Panorama Mall in Panorama City at approx 6 p.m. Pltf slipped and fell over a space between 2 metal drainage grates. Mall security guard testified the separation of the grates was 2 1/2" by 3 1/2" (width of grate). On site employees testified they walked the 850 ft long drainage system daily to inspect the grates for holes. In 1985 deft's Senior Vice President testified he knew grates were dangerous at least one year prior to incident and knew people would not be expected to see holes, constituting a continuing hazard to pedestrians and shoppers. Alleged he told the on site people to have grates repaired. The grates were repaired in March 1984 for \$9,000. Deft #1, Connecticut General Mortgage & Realty Co., is in partnership with deft #2, Panorama City Assoc., and deft #3, Macerich Management Co. The Macerich Management Co. had no interest in the partnership, nor ownership interest with the other two entities in this case. Pltf also claimed punitive damages since defts knew of dangerous condition and did nothing. Punitive damages were

heavily disputed. No portion of the settlement was payment for any claim for punitive or exemplary damages or damages arising out of bad faith; insurance carrier paid entire amount. All information regarding this settlement (w/copy of complete release) was presented for news release and publication by Moray & Moray Law Offices.

INJURIES: Claimed lumbar fusion and the need for future cervical fusion.

DEFENSE: Open and obvious; contended no liability, no notice and that accident was a setup. Contended disc problem was caused by emotional distress not related to accident.

CASE: Tammy Still vs (1) Connecticut General Mortgage and Realty Investments, (2) Panorama City Assoc. and (3) Macerich Management Co.

C 388970 V (LA Central) (2-4-85)

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