

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$200,000**

## PREMISES LIABILITY

32 TD 9th 12

### SETTLEMENT—Restaurant customer attacked by stranger

#### PREMISES LIABILITY

Inadequate Security

#### NO COURT/UNFILED SETTLEMENT

*Smith v. Fatburger*, No. SC025736, Los Angeles. Kurt J. Lewin. Settlement date: 9/5/1994.

**SETTLEMENT RESULT: \$200,000**

#### COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.

Defendant: Mark A. Weinstein, Veatch Carlson, Los Angeles.

#### FACTS/CONTENTIONS

According to plaintiff: On October 14, 1992, at approximately 7:00 p.m., plaintiff, a 36-year-old paralegal, entered defendant restaurant to order a sandwich. While plaintiff was on the premises, a shabbily dressed man was creating a commotion inside while harassing employees. Plaintiff asked the man to leave the employees alone. The man left, and plaintiff got his sandwich. While plaintiff was eating, the man reappeared, wielding a large stick. He beat plaintiff about the head with the stick. In the process, plaintiff backed into a window, which broke and caused plaintiff severe lacerations.

Plaintiff alleged that defendant restaurant had notice of numerous prior acts of violent criminal activity and failed to employ adequate security.

Defendant contended that it had no notice of prior criminal activity and that its security was adequate.

#### CLAIMED INJURIES

According to plaintiff: Lacerations of left forearm to left ulnar nerve artery, flexor carpi ulnaris muscle, and flexor digitorum superficialis muscles to left third, fourth, and fifth fingers, requiring surgery and resulting in ulnar clawing of the fingers; concussion and lacerations to head, requiring debridement and sutures, as well as examinations; residual sensory and motor deficits to left upper extremity and loss of sensorium and grasping power in left hand.

#### CLAIMED DAMAGES

According to plaintiff: \$23,562 medical; no loss of earnings claimed.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff alleged he demanded \$300,000 and defendant made no offers.

#### EXPERTS

Not reported.

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