

Delgado v. MFMC and LAUSD

Date of Accident: May 9, 2002



Gunzler Engineering Report

6) ...the following measurements were made with a freshly calibrated Spectra Cinemate Illuminance Meter - Model 704:

On Upper Landing	- 0.4 foot-candle
On 5th step from yard pavement	- 0.0 foot-candle
On 4th step	-- " -- - 0.0 -- " --
On 3rd step	-- " -- - 0.0 -- " --
On 2nd step	-- " -- - 0.0 -- " --
On 1st step	-- " -- - 0.0 -- " --
On yard pavement	- 0.1 -- " --

7) The outside handrail...has an extension which terminates 3 inches short of the riser of the 1st step above the yard pavement.

* * *

11) The minimum safe illumination level required by the applicable National Electrical Code, adopted by the City of Los Angeles...is 1.0 foot-candle at floor level.

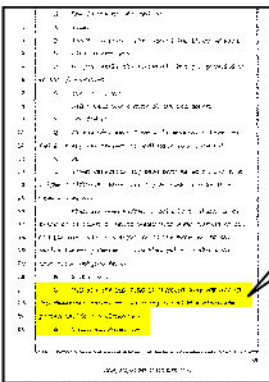
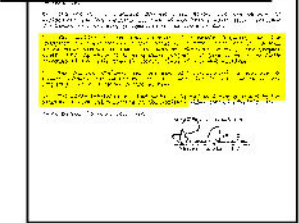
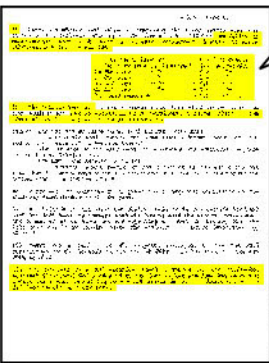
* * *

E) The combination of the absence of adequate lighting and the inappropriate construction of the handrail, in combination with the absence of contrast marking at the lower landing, deprived users of the subject stairway of any means of judging their progress, in particular at the lower terminus of this exit from the second floor of a school building.

F) The subject stairway was designed and constructed to generate an unsafe walkway and maintained in that condition by the owners of the property over an extended period of time.

G) The loss-of-balance accident to Ms. Delgado was directly caused by the hazards created and tolerated at the stairway....

Page 3 & 4



Deposition of Luis Galvez

Q Did you see any kind of warning sign warning of any dangerous condition regarding the middle staircase posted inside the classroom?

A There was never one.

Page 34: 22-25

Q ...You characterized earlier that the lighting was dangerously dark?

A Yes.

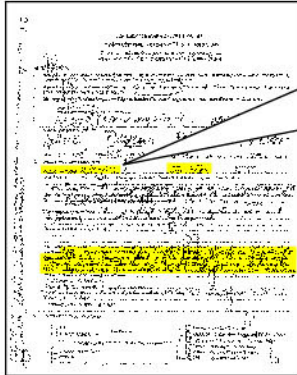
Q Can you tell me what you mean by "dangerously."

A The light was not bright enough to be able to distinguish the stairs.

Page 47: 9-15

Delgado v. MFMC and LAUSD

Date of Accident: May 9, 2002



Barbara Grue Prior Incident Report

Date of Accident 2/20/02

Time of Day 9PM

* * *

2 1/2 MONTHS
PRIOR TO
DELGADO
ACCIDENT

"After class had concluded, I walked down the outside concrete step adjacent to the classroom leading to the parking lot. **It was totally dark.** There is no light at the stairs. **I thought that I was at the bottom of the steps,** however, I was in fact 2 stairs from the bottom of the concrete landing."



**Location of
Delgado and
Grue Falls**

Delgado v. MFMC and LAUSD

Date of Accident: May 9, 2002

Injuries

- Left ankle trimalleolar fracture
- Left ankle open reduction and internal fixation surgery
- Right ankle bimalloelolar fracture
- Lumbosacral syndrome with sciatica

Past Medical Special Damages

■ Kaiser Permanente	30,695.33
■ Westside Physical Therapy	6,903.00
■ Stephen P. Kay, M.D.	3,362.00
■ Daniel Freeman Hospital	3,338.00
■ Phillip J. Kanter, M.D.	1,780.00
■ American Medical Response	436.50
Total	\$ 46,514.83

Future Medical Special Damages

■ Surgery - Removal of left ankle hardware	27,500.00
■ Surgery - Left ankle fusion	43,000.00
Total	\$ 70,500.00

Total Medical Damages

\$ 117,014.83

Past Loss of Earnings

■ Income Loss (Unable to work- May 9, 2002 - June 6, 2003)	30,330.00
■ Income Loss (Unable to work- June 7, 2003 - Dec. 9, 2003)	14,000.00
Total	\$ 44,330.00

Future Loss of Earnings

■ Following surgery to remove hardware (3 months)	7,000.00
■ Following fusion surgery (5 years)	140,000.00
Total	\$147,000.00

Total Loss of Earnings Damages

\$ 191,330.00

Total Economic Damages

\$ 308,344.83

Residuals

- Left and right ankle fractures healed in non-anatomic alignment
- Significant left ankle mortise asymmetry
- Rotational malalignment of the left fibular fracture
- Permanently precluded from repetitive bending, squatting, stooping, moderate lifting, pushing and pulling, running, jumping
- Cannot return to favorite activities such as dancing and sailing
- Prohibited from walking long distances
- Pain with all weight bearing activities
- Pain substantially impairs personal and recreational activities

