

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$104,828**

## PREMISES LIABILITY

35 TD 9th 12

### SETTLEMENT—Woman injured by collapsing bench in cemetery

#### PREMISES LIABILITY

Falling Object/Retail & Other Business Properties

#### NO COURT/UNFILED SETTLEMENT

*Desielve v. Forest Lawn*. Settlement date: 8/31/2000.

**SETTLEMENT RESULT: \$104,828**

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On November 30, 1999, plaintiff Desielve, a 61-year-old seamstress for a production company, went to defendant Forest Lawn cemetery to visit her mother's tomb. She placed flowers on a marble bench, which suddenly and without warning, collapsed on plaintiff's feet.

Plaintiff alleged that Forest Lawn was liable as it had a hazardous condition on its premises that caused her injuries.

Forest Lawn initially denied liability. Forest Lawn disputed the nature and extent of plaintiff's injuries and her need for future surgery.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a hairline toe fracture, plantar fasciitis, and tendonitis and developed a bone cyst requiring possible future surgery.

#### CLAIMED DAMAGES

According to plaintiff: \$4,828 past medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff's initial settlement demand was tendered in March 2000, which was not responded to by Forest Lawn for six months until the settlement was reached.

#### EXPERTS

None.

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