

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$105,000**

## PREMISES LIABILITY

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### SETTLEMENT—Plaintiff trips and falls in pothole, sustaining injuries

#### PREMISES LIABILITY

Slip/Trip & Fall : Paved Surface/Curb/  
Retail & Other Business Properties

#### LOS ANGELES COUNTY SUPERIOR COURT

*Schwartz v. Alimoradi*, No. SC065953, Santa Monica.  
Settlement date: 3/12/2002.

**SETTLEMENT RESULT: \$105,000**

#### COUNSEL

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

Defendant: Cheryl A. Levy, Law Offices of Marsha  
Munemura, Glendale.

#### FACTS/CONTENTIONS

According to plaintiff: On April 23, 2000, plaintiff, a 55-year-old decking contractor, tripped and fell in a pothole in the parking lot of his office building. Shortly after the accident, defendant landlord had the alleged hazardous condition repaired before anyone had the opportunity to inspect the hazard or photograph it.

Plaintiff alleged defendant was negligent in that a hazard (the pothole) existed on the premises that caused plaintiff to trip and fall. Six months later, plaintiff's ankle gave way and he slipped and fell in his apartment, fracturing his right big toe.

Plaintiff alleged that all of plaintiff's claimed injuries were the result of the original incident, including the subsequent slip and fall six months later.

Defendant disputed liability. Defendant consistently argued that there was no pothole and later that the pothole was minor and did not constitute a hazard. Defendant further disputed the nature and extent of plaintiff's claimed injuries and the need for the two claimed surgeries.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a transverse fracture of the distal aspect of his right fibula and partial tears of his right peroneus longus and tibialis posterior tendons. Plaintiff also sustained a right osteochondral injury involving the medial talar dome, requiring physical therapy after nine weeks in a cast. Future arthroscopic surgery was recommended for debridement of his right ankle osteochondral injury, and at the same time open repair of his partial peroneus longus rupture.

#### CLAIMED DAMAGES

According to plaintiff: \$8,336 past medical; \$38,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: The case was mediated before Jeffrey Krivis, Esq., and that mediation resulted in the settlement.

#### EXPERTS

Plaintiff: None.

Defendant: Arthur Kreitenberg, M.D., orthopedic surgeon/neurologist, Center for Orthopedic & Sports Excellence, Los Angeles (310) 659-3400.