

Solo Vehicle, Dangerous Condition

VERDICT: Gross \$350,000 (\$27,600 Net against Defendant City of Malibu)
CASE/NUMBER: Alan Adams v. City of Malibu, et al / Case No. SC023-641

COURT/DATE: Los Angeles County Superior / November 22, 1994.

JUDGE: Hon. Judith O. Stein. DISBURSEMENT: \$350,000 Gross reduced by Stipulated \$166,000 further reduced to \$27,600 based on 15% City Negligence, 30% Decedent, 55% to Hadley (Vehicle Driver.)

TECHNICAL EXPERTS:

Plaintiff - Harry J. Krueper, reconstruction, San Bernardino; Robert W. Crommelin, Traffic Engineer, Palm Desert; Peter Burkhard, Ph.D., biomechanical engineer, Laguna Hills.

Defendant - (City of Malibu) Robert Douglas, traffic/civil engineer, (consultant only,) Long Beach; **Jon B. Landerville, mechanical engineer/reconstruction, Long Beach**; Los Angeles; Weston Pringle, traffic engineer, Fullerton; Richard Covey, surveyor, Long Beach.

FACTS: On October 19, 1992, at night, decedent was a passenger in a car driven by teenaged defendant Brian Hadley. Hadley failed to negotiate a sharp curve on Birdview Avenue above Zuma Beach in Malibu.

PLAINTIFF CONTENTIONS: Defendant City maintained the roadway in a dangerous condition, since the 180 degree curve where the car ran off the road and turned over should have had a sign warning of a curve, a lower posted speed limit (15 mph instead of 30 mph) and a guardrail.

DEFENDANT CONTENTIONS: Defendant City contended that defendant Hadley was driving recklessly; and that decedent was negligent in failing to wear a seat belt, since the other belted passengers survived without severe injuries.

SPECIALS IN EVIDENCE:

JURY TRIAL: Length, 15 days, poll. 10-2, deliberation 2 days.

SETTLEMENT TALKS: Demand \$500,000 C.C.P. 998. Offer \$250,000 C.C.P. 998.