

## PERSONAL INJURY

### PREMISES LIABILITY

Trip and Fall

SETTLEMENT: \$1,250,000.

CASE/NUMBER: Jane Doe v. Roe Restaurant, Roe Corp. / 37-2015-00038782-CU-PO-CTL.

COURT/DATE: San Diego Superior / July 15, 2016.

JUDGE: Hon. Joel R. Wohlfeil.

ATTORNEYS: Plaintiff - Janice F. Mulligan, Brian K. Findley (Mulligan, Banham & Findley, San Diego).

Defendant - Mark Vranjes, Kathleen F. McCormick (Grimm, Vranjes & Greer LLP, San Diego).

MEDICAL EXPERTS: Plaintiff - Franklin Kozin, M.D., rheumatology and pain medicine, San Diego; Joshua P. Prager, M.D., pain management, Los Angeles; Patricia West, R.N., life care planning, Los Angeles.

FACTS: Plaintiff Jane Doe sued a restaurant after she tripped over a wheel stop in the parking lot of the restaurant.

PLAINTIFF'S CONTENTIONS: Plaintiff had eaten dinner and purchased two alcoholic drinks inside the restaurant. Plaintiff exited the restaurant by the same route that she had entered, but the sun had set and it had rained while plaintiff was inside. Another non-party patron had fallen at or near the same spot within the last three months, breaking her ankle as well, which healed.

Plaintiff contended that defendant

knew restaurant patrons were using an unsafe pathway, but did not prohibit access, warn patrons, or make it safe.

DEFENDANT'S CONTENTIONS: Defendant restaurant contended that plaintiff ignored the partially striped pathway through the lot, instead taking an improper route between the building, parking spaces and planter boxes, where she fell. Defendant contended that the non-party patron, who had previously fallen, fell in a different place and for different reasons than plaintiff.

INJURIES: Plaintiff claimed her ankle broke due to the fall. After surgical repair, plaintiff claimed to develop symptoms of CRPS/RSD, a pain disorder, at the injury site and throughout her body. Plaintiff and her experts contended that plaintiff had developed CRPS due to her fall, which would require long-term care and cause loss of income.

Defendant contended that plaintiff's symptoms were not consistent with CRPS.

RESULT: The case settled after mediation for \$1,250,000.

MEDIATOR: Andrew Albert, San Diego.

FILING DATE: Nov. 18, 2015.