

METRO

Brain-Injured Cyclist Wins \$13 Million in DWP Suit

■ **Courts:** Jurors award judgment against the utility for failing to remove a fallen light pole that the woman hit during a morning bike ride.

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A Granada Hills woman who was severely brain-damaged when her bicycle struck a downed power pole has won a \$13-million judgment against the Los Angeles Department of Water and Power that is believed to be the largest verdict ever awarded against the agency.

A San Fernando Superior Court jury announced the award Thursday after finding the department negligent for failing to remove the pole from a northern San Fernando Valley road.

Bicyclist Cindy Kim, now 31, was out for a morning ride five years ago when she hit the pole, tumbled into the air and landed on her head—suffering brain damage that left her with the mental ability of a 2-year-old.

Jurors awarded Kim a little over \$10.6 million in lost earnings and medical dam-

DWP: Injured Bicyclist Wins \$13 Million in Suit

Continued from B1
ages and another \$2.4 million for pain and suffering.

Although the total judgment is against the DWP, the power company's actual liability is about \$10 million because of the complicated laws of comparative negligence and because of \$2 million that will be paid by the company that insured the driver whose car knocked down the pole.

The award should send city officials a message, said Lawrence P. Grassini, Kim's attorney.

"As I said to the jury, this is a bunch of people who had disdain for the public," Grassini said Friday. "If anyone had cared, this accident would never have happened."

Eskel Solomon, the deputy city attorney who represented the DWP during the trial before Judge William MacLaughlin, said: "The city listens to the juries and we're going to go back and review our systems. Things do happen wrong. That is not an admission of fault here, but that is what the jury believed."

Grassini and Solomon described the award as the largest ever awarded against the DWP, and said that also would be true of the \$10 million the utility might have to pay. They did not cite the previous top award.

The accident occurred Aug. 4, 1989, on the bicycle path along Balboa Boulevard, north of Rinaldi Street and south of the Golden State Freeway. During the night, a motorist had hit a 35-foot-tall light pole, knocking it across the bike path and into the northbound lanes of Balboa Boulevard.

About 6:20 a.m., according to court papers, a woman in the neighborhood called the DWP, reporting the downed pole. The agency is responsible for clearing such obstructions, Grassini said.

The dispatcher sent out a crew,

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ESKEL SOLOMON
Attorney representing DWP

but erroneously gave it a Balboa Boulevard and San Fernando Road location, court papers said. The crew reported that there was no light pole down at that location.

According to a transcript of the call, the dispatcher—who was not identified—said: "I think somebody was monitoring a satellite transmission from Mars or something."

The remark was "unprofessional, and that is going to be dealt with," Solomon said Friday.

Kim, out for a ride on her 10-speed bicycle, hit the pole about 8:30 a.m., more than two hours after it had been reported down. Her brain was severely injured in the accident, and she was in a coma for a month, Grassini said.

Kim was not wearing a helmet, but Grassini said her injuries would have been just as severe if she had been wearing one.

Before the accident, Kim was a saleswoman and had been attending Cal State Northridge, majoring in physical education, Grassini said. Now, after two operations to remove 40% of her brain, she cannot brush her teeth, comb her hair, groom her nails or feed herself, according to court papers.

The DWP is considering whether to appeal, Solomon said.