

## Victim's family awarded \$12 million

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Loyola Law School professor

**LAWSUIT:** Jury finds apartment owner, manager liable in death of Warner Bros. analyst.

By Brent Hopkins  
Staff Writer

In an unusual civil case with little legal precedent, a jury has found a Burbank apartment owner and manager liable in the death of a former tenant because they hired a convicted felon and registered sex offender as a handyman.

The Los Angeles Superior Court jury returned a \$10.8 million verdict

against Scott Villa Apartments L.P. and Francis Property Management Inc. for hiring Eriberto Rodriguez, 46, who worked as a maintenance man at the complex in the 1500 block of Scott Road, where Sharon Santos lived when she disappeared in 2004.

The jury also awarded a \$1.2 million verdict against Rodriguez, who is in prison for an unrelated offense.

Santos, an analyst with Warner Bros., was raped and killed, then stuffed into the trunk of her car. The Burbank Police Department is still investigating the case, and nobody

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has been arrested.

At the time, police named Rodriguez as a person of interest and arrested him on suspicion of burglary, firearms possession and sexual battery in unrelated cases at the apartment complex.

Rodriguez pleaded no contest to those charges and is now serving a 12-year prison sentence at the California Men's Colony in San Luis Obispo. He has never been charged in the killing of Santos.

Prior to his arrest, he'd already been convicted of sexual battery in 1996 and grand theft in 1999. Woodland Hills-based attorney Larry Grassini, representing Santos' mother, Edna, successfully argued during the civil trial that Scott Villa Apartments and Francis Property Management should have been aware of Rodriguez's criminal past before hiring him and giving him a master key to all the apartments.

“It's like if they put an alligator in the front yard and when it bites someone's hand off, they say it's the alligator's fault,” Grassini said Friday. “They gave him the key to her apartment.”

This sets up an odd legal situation in which Rodriguez's employer is now on the hook for misdeeds for which he's never been criminally charged. Burbank police officials did not return calls seeking comment Friday, but Grassini said the department is

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still pursuing a criminal case and awaiting forensic evidence from the Los Angeles County Sheriff's Department crime lab.

Troy C. Lee Jr., who represented the apartment complex owners, said they were still reviewing whether they'd appeal.

“I think the verdict was excessive,” he said, and declined further comment. The verdict came back Thursday.

Rodriguez invoked his Fifth Amendment right not to testify, Grassini said.

Loyola Law School professor Laurie Levenson said the situation is unusual but not unheard of. With a lower standard of proof for a civil case and a shorter statute of limitations, Grassini had to move quickly but had more freedom in arguing the case than a criminal

prosecutor, she noted.

“It's a sneak preview for the prosecution, but it's nothing they can rely on,” she said. “It's not that common. Usually, the criminal case goes first, but since the defendant's already in custody, there's no rush to prosecute.”

Jody Armour, a USC law professor, said he thought it was a stretch to hold the apartment owner liable for its employee's alleged crimes. But the jury didn't, and that's what mattered in resolving the case, he said.

“A lot of people could say, ‘No, a thief and a killer are two different things,’” he said. “But the plaintiff was able to argue that a thief and someone prone to commit criminal acts against people are generally dangerous. Killing is not unforeseeable.”

Nina Haynes, a high school friend of Santos, welcomed news of the verdict. Though Burbank police didn't contribute to Grassini's case, the attorney and Haynes hope the jury's finding will help provide leads for a possible criminal prosecution.

“You can imagine how frustrating this has been,” Haynes said. “This helps in the healing process, knowing that other people are being held accountable for their negligence. ... We're glad this came in our favor; but there's still a long road ahead with the criminal case.”

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