

CIVIL RIGHTS

Failure to train police officers on proper use of chokeholds

Fermin Valenzuela Jr., a 32-year-old man with a history of drug abuse and mental illness, was approached by city of Anaheim police officers Daniel Wolfe and Woojin Jun, who were responding to a report that Valenzuela had followed a woman home. Wolfe ordered Valenzuela to stop and put his hands behind his back, but Valenzuela refused. A struggle ensued, during which the officers tasered Valenzuela and placed him in various neck restraints. During the chokehold, Valenzuela struggled to breathe and lost consciousness. Attempts to revive him were unsuccessful. He is survived by his two minor children.

Valenzuela's children sued the city, alleging it failed to train its police officers on the proper use of neck restraints. The plaintiff alleged that Wolfe had used an air chokehold that blocked Valenzuela's airway and that this maneuver is proper only when deadly force is necessary. Suit also named Wolfe, Jun, and their sergeant, alleging excessive use of force in violation of Valenzuela's civil rights.

The defendants argued that Valenzuela had been violent and under the influence of methamphetamine and that he was attempting to flee. They also contended that Valenzuela had more than 15 arrests and convictions, including instances of domestic violence against the mother of his children.

The jury awarded \$13.2 million, finding Valenzuela 15% at fault.

CITATION: *Valenzuela v. City of Anaheim*, Nos. SACV17-0278, SACV17-2094 CJC (C.D. Cal. Nov. 21, 2019). **PLAINTIFF COUNSEL:** Garo Mardirossian, Lawrence Marks, and Douglas Linde, all of Los Angeles; and Dale Galipo, Woodland Hills, Calif. **PLAINTIFF EXPERTS:** Scott DeFoe, police practices, Huntington Beach, Calif.; and Bennet Omalu, forensic pathology, Lodi, Calif.

GOVERNMENT LIABILITY

Failure to maintain sewer line

While Stephanie Scott was driving home from work in Los Angeles, a large sinkhole opened up in the street, causing her to plummet approximately 20 feet. Her vehicle landed upside down and surrounded by raw sewage. When she regained consciousness, she unbuckled her seatbelt, extracted herself from the vehicle, and called for help. Local firefighters rescued Scott, who suffered a traumatic brain injury, vision injuries, and a hand injury.

Now 51, Scott suffers from post-traumatic stress disorder but has returned to work as a makeup artist. Her medical expenses totaled more than \$200,000, and her lost earnings were more than \$90,000.

Scott sued the city of Los Angeles, alleging it failed to maintain its sewer lines. The plaintiff asserted that the failure of an old, deteriorated sewer main caused gallons of sewage to spew underground and erode the surrounding soil, leaving a void that led to the roadway collapse. The sewer main should have been inspected and replaced years, if not decades, before the incident, the plaintiff argued.

The parties settled for \$4 million.

CITATION: *Scott v. City of Los Angeles*, No. BC675020 (Cal. Super. Ct. Los Angeles Cty. Dec. 4, 2019). **PLAINTIFF COUNSEL:** AAJ members Kevin Boyle, Brian Panish, and Andrew Owen, all of Los Angeles.

Dangerous condition of roadway

Jeffrey Knopp, 60, was riding his bicycle on a mountainous roadway that had a shoulder in places but narrowed in areas where the city of Los Angeles had installed a rock fence and railing. While Knopp was riding uphill, Joshua Willis's vehicle struck him. Knopp landed on a metal guardrail and suffered fatal injuries. He had been a truck driver earning

approximately \$65,000 annually and is survived by his wife and adult son.

Knopp's wife and son sued the city, alleging the roadway constituted a dangerous condition of public property. The plaintiffs argued that drivers were not alerted that part of the roadway lacked a shoulder and that the transition from a shoulder to a shoulderless roadway was too abrupt. Additionally, the plaintiffs asserted that drivers could not perceive this abrupt change due to the presence of bike lanes in other parts of the roadway.

Suit also alleged Willis was liable for Knopp's wrongful death. The jury awarded more than \$4.73 million.

CITATION: *Knopp v. City of Los Angeles*, No. BC 665467 (Cal. Super. Ct. Los Angeles Cty. Nov. 26, 2019). **PLAINTIFF COUNSEL:**

AAJ member Lawrence Grassini and Robert Reagan, both of Woodland Hills, Calif.

PLAINTIFF EXPERTS: Ed Ruzak, traffic engineering, Fountain Valley, Calif.; Jon Landerville, engineering and accident reconstruction, Torrance, Calif.; Paul Kayfetz, comparison photogrammetry, Bolinas, Calif.; and David Fractor, economics, Pasadena, Calif. **DEFENSE**

EXPERTS: Rock Miller, traffic and civil engineering, Orange, Calif.; Stephen Blewett, traffic reconstruction, Altadena, Calif.; Henricus Jansen, accident reconstruction, El Segundo, Calif.; and Ted Vavoulis, economics, Los Angeles.

MEDICAL NEGLIGENCE

Improper supervision of unlicensed physician

Arleisha Hayes, 44, suffered from asthma. When she experienced shortness of breath, she was taken by ambulance to Hialeah Hospital. She was admitted to the facility's ICU and given a nasal swab, which showed no infection. For the next several days, Hayes was treated with steroids and antibiotics. She improved somewhat and was transferred to a telemetry floor.