

# VERDICTS & SETTLEMENTS

FRIDAY, MAY 29, 2020



## Top Verdicts



\$4.7 MILLION (Verdict)

Los Angeles County Superior / BC665467

Topic: Personal Injury

Subtopic: Dangerous Condition of Public Property

Detail: Wrongful Death

Plaintiff — **Lawrence P. Grassini, Robert B. Reagan (Grassini & Wrinkle)**

### PERSONAL INJURY

#### DANGEROUS CONDITION OF PUBLIC PROPERTY

Wrongful Death

**Verdict: \$4,738,369**

CASE/NUMBER: Jennifer Knopp, Kevin Knopp v. City of Los Angeles, Joshua Willis / BC665467

COURT/DATE: Los Angeles Superior / Nov. 26, 2019

JUDGE: Margaret L. Oldendorf

ATTORNEYS:

Plaintiff - **Lawrence P. Grassini, Robert B. Reagan, (Grassini & Wrinkle)**

Defendant - Rachael C. Parent, Steven M. McGuire, (Office of the Los Angeles City Attorney)

EXPERTS:

Plaintiff - David T. Fractor Ph.D. (economics) Paul Kayfetz (engineering photography) Jon B. Landerville P.E. (engineering and accident reconstruction) Edward J. Ruzak P.E. (traffic engineering)

Defendant - Ted Vavoulis (economics) Henricus P. Jansen M.S. (accident reconstruction) Stephen A. Blewett (traffic reconstruction) Rock E. Miller (traffic and civil engineering)

FACTS: On Nov. 1, 2016, Jeffrey Knopp, 60, an experienced cyclist, was riding his bicycle on Foothill Boulevard in Sunland when he was struck by a car driven by Joshua Willis. The right front of the passenger side of Willis' vehicle struck Knopp while Willis was traveling 30 mph.

The roadway where the collision occurred gradually merged into the highway until the shoulder ended. Willis did not see that Knopp had entered his lane.

Knopp's wife, Jennifer Knopp, and his son, Kevin Knopp sued the City of Los Angeles and Willis for wrongful death.

PLAINTIFFS' CONTENTIONS: Plaintiffs contended that the City's roadway constituted a dangerous condition of public property that contributed to Knopp's death along with the negligence of defendant driver Willis, in that there was insufficient separation between the vehicle lanes and the bicycle

lane. In closing argument however, plaintiffs argued that Willis was not liable.

DEFENDANT'S CONTENTIONS: The City contended that Willis' negligence was the sole cause of the accident. However, in closing argument, the City asked the jury to attribute negligence to Knopp if they felt that was warranted. Evidence of Knopp's negligence was based on the testimony of an eye witness who saw Knopp ride from the shoulder into traffic lanes without looking. The City further relied on the fact that there had been no other accidents at this location in the 20 years since the design had been completed.

The City relied on the absolute defense of Design Immunity under Government Code Section 830.6 and the absence of any Loss of Design Immunity under CACI 1124 (Cornette). It also relied on the defense of Signage Immunity under Section 830.4 and Traffic Signals and Warnings Immunity under Section 830.8.

SETTLEMENT DISCUSSIONS: Plaintiffs demanded seven figures. Defendant offered \$50,000. Plaintiffs' last demand at mediation was \$18,000,000.00.

RESULT: The jury found in favor of the Knopps and awarded them \$4,738,369. Jennifer Knopp was awarded \$215,113 in past economic damages, \$523,256 in future economic damages, \$500,000 in past non-economic damages, and \$2.5 million in future non-economic damages. Kevin Knopp was awarded \$250,000 in past non-economic damages, and \$750,000 in future non-economic damages. The jury found Willis 80 percent at fault and the City of Los Angeles 20 percent at fault.

OTHER INFORMATION: The majority of the witnesses and evidence during the trial was directed to the absence of a dangerous condition, design immunity and loss of design immunity. Notwithstanding this, plaintiffs successfully moved for partial directed verdict prior the close of evidence on the grounds that the city had not met its burden in establishing the discretionary approval element of design immunity, based on this firm's prior cases of Cornette v. Dept. of Transportation (2001) 26 Cal.4th 63 and Castro v. City of Thousand Oaks (2015) 239 Cal.App.4th 1451. Thus, the issues of design immunity and loss of design immunity were no longer for the jury to decide. This left for the jury the issues of dangerous condition of public property (and all of its elements), negligence on the part of the driver and the bicyclist, damages, and apportionment.

FILING DATE: Jun. 16, 2017