

# TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

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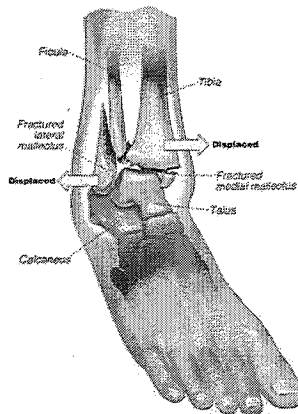
**Notable Cases in This Week's Issue...**

	Result	TR#
Settlement--Child struck in head by golf club at camp	\$10,250,000	28
Group takes control of, defrauds Korean company	\$31,000,000	3
Settlement--Special ed student sexually assaulted	\$800,000	22
Hotel mini-bar leaks, causes guest injury from ammonia	\$557,000	23
Elderly man rendered quadriplegic in ambulance accident	\$23,903,434	30
Patent holder claims networks violate patents	\$2,782,831	12
Settlement--Man's chocolate Lab bites woman's lip	\$275,000	1
Tenant falls down broken stairs at building complex	\$343,421	25
Title insurance company refuses to pay claim after default	\$1,770,000	11

**Woman alleges slippery slope on property caused fall: Defense**

Trial Report No.: 24

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**NEGLIGENT HIRING & SUPERVISION**

45 TD 11TH 22

**SETTLEMENT - Female special education student sexually assaulted by male students**

**NEGLIGENT HIRING & SUPERVISION**

Negligent Supervision

INTENTIONAL TORTS

Sexual Assault

**LOS ANGELES COUNTY SUPERIOR COURT**

*Confidential v. Confidential*, Docket number: Confidential, Pasadena. Judge: Joseph F. De Vanon Jr. Trial type: Settlement. Settlement date: July 2008.

**SETTLEMENT: \$800,000**

**COUNSEL**

Plaintiff: Louanne Masry, Taylor & Ring, Los Angeles. David M. Ring, Taylor & Ring, Los Angeles. Angela Gilmartin, Law Offices of Angela Gilmartin, Woodland Hills.

Defendant: Confidential.

**FACTS/CONTENTIONS**

According to plaintiff: Plaintiff, a 14-year-old female special education student, was raped at her high school by two male special education students on two different days during school hours. The assaults occurred under a building's stairwell. The first assault was on a Friday and the second was on the following Monday.

Although plaintiff was 14, she functioned at the level of a nine year old.

Plaintiff alleged defendant school district was negligent in failing to supervise its special education students. The incidents took place during a sixth period class and the teacher knew or should have known the students were missing from class but were still on campus. Also, one of the male perpetrators had a history of significant disciplinary problems while attending the high school, and the school should have supervised him very closely. Plaintiff attempted to report the first sexual assault to administrators, but no one took the time to press her about what exactly she was trying to report.

Defendant argued that its supervision was appropriate and that it could not possibly supervise every child at every moment during the school day, even if the children were special education students. Defendant also argued that the assaults were consensual. And, even if school security had been in close vicinity to where the assaults occurred, one of the students acted as a "lookout" and would have thwarted anyone from the school seeing any actual sexual conduct.

Defendant further disputed the nature and extent of plaintiff's damages.

**CLAIMED INJURIES**

According to plaintiff: Rape; post-traumatic stress disorder; emotional distress.

**CLAIMED DAMAGES**

Not reported.

**SETTLEMENT DISCUSSIONS**

Not reported.

**EXPERTS**

Not reported.

**COMMENTS**

According to plaintiff: Louanne Masry provided the information for this report.

**PREMISES LIABILITY**

45 TD 11TH 23

**Hotel's mini-bar springs refrigerant leak, causes guest inhalation injuries from ammonia**

**PREMISES LIABILITY**

Hotel/Negligent Repair/Maintenance

**LOS ANGELES COUNTY SUPERIOR COURT**

*McConnell v. Ritz Carlton Hotel Corporation*, Docket number: GC037468, Pasadena. Judge: C. Edward Simpson. Trial type: Jury: 6 days. Verdict/Judgment date: 9/10/2008.

**VERDICT: \$557,000**

Plaintiff asked the jury for \$1,300,000; defendant asked the jury for \$25,000.

\$223,000 economic damages; \$334,000 non-economic damages.

The court also awarded costs in the amount of \$90,000.

Vote: 9-3. Deliberations: 1 day.

**COUNSEL**

Plaintiff: Steven R. Vartazarian, Cheong, Denove, Rowell & Bennett, Los Angeles. John F. Denove, Cheong, Denove, Rowell & Bennett, Los Angeles. Thomas P. Cacciatore, Law Offices of Thomas P. Cacciatore, Pasadena.

Defendant: Robert Reisinger, Ford, Walker, Haggerty & Behar, Long Beach.

**FACTS/CONTENTIONS**

According to plaintiff: On April 20, 2005, plaintiff Craig McConnell, a 59-year-old executive for a paper manufac-