

March 6, 1990

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
LISA BAREN V. CITY OF SAN DIEGO, ET AL.
MUNICIPAL COURT CASE NO: 466490

Plaintiff Lisa Baren sued the City of San Diego and one of its police officers for negligence and battery. The plaintiff alleged the officer intentionally or negligently closed the rear door of the police car on her as she was leaning out of the car.

On August 31, 1988, a police officer was called to the scene of a traffic accident. Upon arrival, the officer saw a truck wrapped around a power pole and two damaged parked vehicles. Plaintiff, who was the driver of the truck, and her passenger, Scott Richeson, had left the accident scene. In an attempt to look for the occupants of the truck, the officer drove around the neighborhood. Approximately three blocks from the accident scene, the officer found the plaintiff and Mr. Richeson walking down the street. The plaintiff was arrested for driving under the influence of alcohol and was placed in the rear seat of the police vehicle. Mr. Richeson was told by the officer to leave the scene and go to his nearby residence.

As the officer and plaintiff were about to drive back to the accident scene, Mr. Richeson opened the police vehicle's right rear door and told plaintiff to get out. The officer, who was on the left side of the vehicle, quickly walked around the front of the police car and closed the rear door with his foot. At the time the officer pushed the door closed, his attention was on Mr. Richeson who was standing nearby. Plaintiff was injured as she attempted to get out of the back seat of the vehicle. The window of the door broke when it hit the plaintiff's forehead causing facial cuts and scars.

The City filed a cross-complaint against Mr. Richeson alleging his actions were a cause of the injuries to plaintiff. Prior to trial, Mr. Richeson agreed to settle his case by making a payment to the City in the amount of \$3,500.00.

At trial, plaintiff argued the officer saw her leaning out of the police vehicle and intentionally shut the door in an attempt to injure her. The City contended under the circumstances, the officer's actions were reasonable and proper.

The case proceeded to trial in San Diego Municipal Court on February 6, 1990 before a jury in the courtroom of the Honorable

Ann Winebrenner. After a four day trial, the jury returned a verdict in favor of the police officer and the City of San Diego. Deputy City Attorney Keri G. Katz tried the case on behalf of the defendants.

Respectfully submitted,
JOHN W. WITT
City Attorney

KGK:cj:Lit(x043.1)
RC-90-16