

September 7, 1990

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
JOHN L. LARSEN V. THE CITY OF SAN DIEGO
SAN DIEGO SUPERIOR COURT CASE NO. 605415

The City recently won a personal injury lawsuit which resulted from a fall at Jack Murphy Stadium.

On December 30, 1987, at 8:20 p.m. at the end of the Holiday Bowl football game, plaintiff, a Wyoming fan and President of United States Mining Company, a Wyoming corporation, fell on the exit stairway for field level sections 39 and 40.

Plaintiff alleged that he lost his balance at the top of the stairway and could not reach the right-hand handrail to stop his fall. Plaintiff contended that the handrail, which is attached to the top of the wall fifteen inches from the nose of the top of the landing, was a dangerous condition. The primary support for plaintiff's claim was proof that the short handrail does not comply with the current Uniform Building Code.

The City contended that the stairway was safe when used with due care, that it complied with the Building Code when the stadium was constructed, and that in the twenty-four years of stadium use, no other accident was attributed to field-level handrails and no complaints had ever been made relating to the safety of such handrails. Evidence was also submitted indicating that plaintiff was intoxicated at the time of the fall.

Plaintiff suffered two broken bones in his right ankle requiring open reduction surgery including the insertion of permanent steel plates. Plaintiff claimed of permanent swelling and a permanent limp with possible future surgery and asked the jury to award \$160,000.

The case proceeded to trial in San Diego Superior Court on August 16, 1990 before a jury and Judge Richard J. Hanscom, specially appointed. On August 23, 1990, the jury returned a verdict declaring that the stairway and handrail did not constitute a dangerous condition and rendered a verdict in favor of the City.

Deputy City Attorney James M. Chapin tried the case on behalf of the City of San Diego.

Respectfully submitted,
JOHN W. WITT
City Attorney

JMC:dv:Lit.
RC-90-42