

Daily Journal

VERDICTS & SETTLEMENTS

FRIDAY, AUGUST 19, 2022



Scott E. Boyer

\$10,000,000.00 SETTLEMENT



Arash Homampour

PERSONAL INJURY

AUTO V. MOTORCYCLE

Dangerous Condition of Public Property

SETTLEMENT: **\$10,000,000**

CASE/NUMBER: Garrett Rifkin v. City of West Hollywood / 19STCV31450

COURT/DATE: Los Angeles Superior / May 3, 2022

JUDGE: Michael E. Whitaker

ATTORNEYS:

Plaintiff – Scott E. Boyer, Arash Homampour (The Homampour Law Firm PC)

Defendant – Bryan C. Swaim, Joshua D. Bordin-Wosk (Bordin Semmer LLP)

FACTS:

On Aug. 3, 2018, as plaintiff Garrett Rifkin traveled westbound on his motorcycle through the intersection of Fountain Ave. and Formosa Ave. in the City of West Hollywood, he was struck by the northbound vehicle driven by Troy Edwards. After the collision, Edwards fled from the scene in his vehicle and was later arrested and convicted of felony hit and run. In addition to his felony hit and run conviction,

Edwards had at least ten prior felony convictions. The investigating officer determined Edwards to be the sole cause of the accident for entering traffic onto a street from a stop sign unsafely in violation of Vehicle Code section 21802(a). Plaintiff sued the City of West Hollywood for dangerous condition of public property and Edwards for negligence.

PLAINTIFF'S CONTENTIONS:

Plaintiff contended that the intersection was in a dangerous condition at the time of the incident because vehicles traveling northbound from the stop sign on Formosa Ave. were not restricted from turning left or going straight through the intersection. Plaintiff further contended that City was on notice of the dangers of the intersection as plaintiff's investigation uncovered complaints to City about the intersection and other accidents which had occurred at or near the intersection.

DEFENDANT'S CONTENTIONS:

Defendant City contended that Edwards was responsible for causing the accident by failing to yield the right-of-way to oncoming traffic. City further contended that plaintiff was trav-

eling too fast for roadway conditions and saw Edwards in sufficient time to take evasive action. City also contended that it was immune from liability based upon design immunity and immunity for failing to have in-place certain traffic control devices. City further contended that there were no similar accidents at the location within ten years of the subject incident, and City had conducted several traffic studies within a few years of the incident and none of the studies recommended any further restrictions or warnings at the intersection.

INJURIES:

Plaintiff suffered an amputation below the left knee. Plaintiff sued for his past and future medical bills and emotional distress.

SETTLEMENT DISCUSSIONS:

The parties participated in mediation with Robert Kaplan, Esq

RESULT:

Plaintiff settled with the City of West Hollywood for \$10 million.

FILING DATE: Sep. 4, 2019