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NO-SIDEWALK VERDICT

By Dan Evans

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SAN BERNARDINO — A jury Monday awarded \$37.5 million to the parents of a girl who was struck by a car as she walked home from school, finding the city of Fontana liable because the street on which she was killed had no sidewalks.

San Bernardino Superior Court jurors found the city 75 percent liable for the death of Karen Medina, 14. She died Dec. 3, 2001, on Cypress Avenue, a few blocks away from A.B. Miller High School, where she was a student.

Jurors — whose votes varied between 12-0 and 9-3 for the plaintiffs — found Yader Castro, a 15-year-old unlicensed driver at the time of the death, and his parents 25 percent liable. *Medina v. Walter Antonio Grande*, SCVSS094904 (San Bernardino Sup. Ct., filed Sept. 2002).

Attorney Arash Homampour, who represented Karen Medina's parents in the trial, said Cruz Medina and Agueda Miranda, who are divorced, will split the award.

Homampour said he expects the case to be appealed.

The city's attorney, Linda B. Martin with Rinos & Martin in Santa Ana, was not available.

Fontana City Risk Manager Ed Raya said he was surprised by the size of the verdict, as well as the fact that the city was held to be 75 percent liable. He said the city would be reviewing its options and declined to comment further.

Homampour, a name partner with the Beverly Hills firm Homampour & Associates, said Fontana officials complained for years that the lack of sidewalks on Cypress was dangerous. During the trial, city officials tried unsuccessfully to claim poverty, he said.



Arash Homampour

“The evidence showed they had the money to install the sidewalks, but they didn't do their jobs,” he said.

In January 2002, Fontana and the school district used a \$163,000 federal grant to install sidewalks in the area where Medina died.

Homampour said his clients are considering donating a portion of the award to Fontana, stipulating that the money be used to build other sidewalks and make the area around the school safer.

Legal experts have said the case is one of the few instances in which a city has been sued for creating a dangerous condition of public property by failing to have sidewalks.

Santa Rosa was sued in a similar case five years ago in which a child was struck and killed in an area without sidewalks. That case settled for an undisclosed amount, and the city installed sidewalks in the area.