

CALIFORNIA



Michael E. Lehman

Taking Them Back to School!

SUCCESS FOR THE DEFENSE IN CALIFORNIA

The Result: Defense Verdict (10-2 in favor of defendant)

Trial Time: 4 days.

Jury Deliberation Time: 20 mins.

Defendant Oral Micham, Inc. is a general contractor; defendant building a junior high school in Los Banos, California where the incident occurred. Plaintiff was a school board trustee for the Los Banos Unified School District. The District's superintendent invited Board members, including the plaintiff, to tour the construction site on October 21, 2015. Plaintiff reached the multi-purpose building and had to step up approximately 8 inches to 10 inches to enter the building. As she stepped up, her foot slipped and her left leg hit the wooden door frame spreader, resulting in a large laceration to her left leg and related physical injuries. Plaintiff underwent wound care treatment for several months post-incident. The wound would leave a permanent scar on her lower left extremity.

Plaintiff's Contentions:

Plaintiff contended that defendant created a dangerous condition on the jobsite and their negligence in not providing more guidance to the plaintiff and other school board members during the tour, resulting in plaintiff's harm.

Defendant's Contentions:

Defendant contended that the jobsite was as safe as it could be and that there was no dangerous condition. Further, defendant contended that plaintiff had actual notice the height of the step-up and chose to encounter the step anyway, causing her own harm.