

JVR No. 77288 (Cal.Superior), 1991 WL 475672  
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Superior Court, Los Angeles County, California.

**QUICK v. MCFARLAND ENERGY, INC.**

C 648-048

DATE OF INCIDENT: February, 1987

DATE OF FILING: May, 1987

DATE OF TRIAL: October, 1991

TOPIC:

LIABILITY:

General: PREMISES LIABILITY

Specific: Fall at utility site

SUMMARY

Outcome: Defense Verdict

Non Verdict Award: \$0

Final Demand: \$100,000

Final Offer: \$60,000

EXPERT-WITNESSES:

ATTORNEY:

JUDGE:

RANGE AMOUNT: \$1-49,999

STATE: California

COUNTY: Los Angeles

PRIMARY INJURY: Rotator Cuff

SUMMARY

PLAINTIFF:

Sex: Male

Age: 58

General Occupation: GENERAL LABORER

Occupational Field: TRANSPORTATION-TRUCKING AND WAREHOUSING

DECEDENT:

DEFENDANT:

Type: Single Organization

Sex: Organization

Organization Type: Manufacturing-Refining and Related Industries

DAMAGES:

DEFENDANT CONTENTED PLAINTIFF ASSUMED RISK: Yes

FACTS:

A 58-year-old male vacuum truck driver allegedly sustained a tear of the left, minor rotator cuff, requiring surgery, and a large seroma in the back of the right thigh, requiring drainage, when he fell into an open well while laying out a vacuum hose to remove rainwater from a well cellar at the defendant oil facility. The well cellar had a three-and-one-half-foot-wide walkway. The plaintiff maintained that the narrow walkway, along with the open well cellars, was unreasonably dangerous and that the defendant should have warned the plaintiff of this condition or covered the open cellars with grates or railings. The defendant contended that the open well cellars were obvious and maintained that the plaintiff needed no warning. The defendant further contended that a railing surrounded all of the well cellars and that the area surrounding the wells met industrial standards. The defendant maintained that the plaintiff assumed the risk. A suit against the plaintiff's employer was dismissed when the employer filed for bankruptcy. The plaintiff claimed a total of \$24,000 for past and future medical expenses and \$146,000 for past and future wage loss. P\*

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