



VERDICTSEARCH CALIFORNIA

LOS ANGELES COUNTY

GOVERNMENT

Environmental Law — Water — Damages — Property

Couple blamed city for landslide that damaged home

DECISION \$4,723,208

CASE Katina Torino v. GTE California Incorporated and General Telephone Company of California, Verizon Communications Inc., a Delaware Corporation, Verizon California Inc., a Delaware corporation, California Water Service Company, a California corporation, Southern California Edison, a Delaware corporation, No. BC 277 184

COURT Superior Court of Los Angeles County, CA

JUDGE Ernest M. Hiroshige

NEUTRAL(S) Robert Altman, ret.

DATE 8/8/2006

PLAINTIFF

ATTORNEY(S) John S. Peterson, Peterson Law Group Professional Corporation, Los Angeles, CA
Steven A. Blum, Blum | Collins LLP, Los Angeles, CA

DEFENSE

ATTORNEY(S) Adrienne M. Byers, Office of County Counsel, Los Angeles, CA (Los Angeles County Flood Control District, county of Los Angeles)

Girard Fisher, Pollak, Vida & Fisher, Los Angeles, CA (city of Palos Verdes Estates)

Glenn C. Keible, Sullivan & Teketa, LLP, Westlake Village, CA (Verizon (formerly GTE California Inc. and General Telephone Co.))

Friedrich W Seitz, Murchison & Cumming, Los Angeles, CA (Southern California Edison)

Mark F. Sullivan, Sullivan & Teketa, LLP, Westlake Village, CA (Verizon (formerly GTE California Inc. and General Telephone Co.))

FACTS & ALLEGATIONS In the 1920's, the city of Palos Verdes Estates constructed an unnamed beach access road at the foot of the Ranchos Palos Verdes bluffs, along the Pacific Ocean.

Plaintiff Katina Torino, a college-educated civil engineer in her 60's, owned one acre of property with a house on the bluff. She and her former husband designed the 6,000 square foot home, a few hundred feet above the access road. Because of a landslide, the home was slowly being torn apart.

Torino sued the city of Palos Verdes Estates, the county of Los Angeles, the Los Angeles County Flood Control District, Verizon (formerly known as GTE California Inc. and General Telephone Co. of California) and Southern

California Edison for property damage caused by the landslide.

Torino argued that a marine grounding structure was required to repair her property. In addition, the access road was causing earth movement and structural failure due to a lack of lateral and subjacent support. Also, a water stream from utility vaults and trenches were lubricating slide planes, causing water intrusion.

The defendant utility companies, Verizon and Southern California Edison, were named as defendants on the theory that water was flowing downhill to the Torino property through public utility conduits lubricating the landslide. The utilities argued that the landslide was ancient and predated modern civilization, let alone the utilities. Also, water intrusion from the utilities' manhole vaults was insignificant in comparison to natural water flows and too little to have caused damage to Torino's property. The utilities further charged that the house was located on the bluff side on what had been indicated to be a "slump zone" of unstable soil. The house was placed partly on an area of active soil. Further, if a man-made cause had to be named (other than knowing misplacement of the home on a known "slump zone"), it would have been the road cuts in the bluff that were placed at the road's inception.

The city contended that Torino filed her complaint long after her home was damaged. The city claimed it should also not be liable because it did not own the access road when it was built.

INJURIES/DAMAGES The cost of repair to Torino's \$7 million home was estimated at \$2,100,000. It was also alleged that the home lost considerable market value as the result of the damage.

The defense contended that the estimated repair costs were too high and that the home did not lose any of its value. The defense also charged the unique view lot made it a potential "tear down" for an even larger mansion style home so that repair was non-economic.

RESULT At mediation, Verizon settled for \$400,000. Southern California Edison settled for \$105,000. County of Los Angeles and California Water Company settled for \$10,000 each.

Judgment was ruled against all defendants for a total of \$4,723,208. The amount was offset by settlement amounts.

KATINA TORINO \$ 3,009,860 property damage
 \$ 244,736 experts' fees
 \$ 98,410 pre-judgment interest
 \$ 1,341,202 attorneys' fees
\$ 29,000 costs
 \$ 4,7009,861

PLAINTIFF

EXPERT(S)

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Daniel E. Pradel, Ph.D., geotechnical
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James J. Reid, appraisal, Burbank, CA

Dale R. Winchell, general contracting,
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DEFENSE

EXPERT(S)

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Lawrence Sommers, appraiser ethics,
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Glen D. Tofani, geotechnical
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EDITOR'S NOTE This report includes information that was gleaned from an article by the Daily Journal and correspondence with plaintiff's and defense counsel.

—Michael Rehak