

Deborah S. Chang



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Practice: Personal injury, wrongful death, product liability, catastrophic injury

Chang led a Panish Shea & Boyle trial team that took on a deadly roadway in Beverly Hills and in January, on the eve of trial, recovered \$32.5 million for clients. Over a span of 63 days in 2014, a trio of truck accidents on Loma Vista Drive resulted in the deaths of two Los Angeles police officers, a traumatic brain injury for a truck driver and a persistent vegetative coma for another trucker.

"The deaths and tragic injuries led to an outcry from neighbors and even from the police," Chang said.

The plaintiff team discovered what Chang said the city had known for more than 50 years: The roadway was too steep for too long - a 13 percent grade for three-quarters of a mile - with a sharp curve at the bottom, a design that violated engineering standards. "As a result, gravity caused cement trucks weighing over 60,000 pounds to accelerate in the lowest gears, requiring drivers to apply brakes repeatedly until the air brakes overheated and faded," Chang said. Without brakes, the runaway trucks could not make the last curve, causing catastrophic damage, injuries and deaths.

City officials vigorously disputed liability, which blamed the incidents on truck driver negligence. Chang said she and her team took more than 70 depositions, and more 545 million pages of documents were produced by the defense for review. Chang overcame three separate motions for summary judgment and litigated more than 70 motions in limine. With trial set for Feb. 1, the city settled Jan. 30. The \$32.5 million figure does not include a confidential settlement with one of the trucking companies. *Allen et al. v. City of Beverly Hills*, BC553839 (L.A. Super. Ct., filed Aug. 5, 2014).

"In 1986, a city engineer proposed to flatten the curve. It would have cost \$20,000 then, but it never happened," Chang said. "Now, they have restricted trucks over a certain weight from using that roadway."

In another case with potential far-reaching consequences, Chang prevailed at trial for client Katherine Rosen, who survived a 2009 knife attack by fellow student Damon Thompson in a UCLA chemistry lab. Although the trial judge concluded that the school owed Rosen a duty of care as a student and there were triable issues of fact regarding whether UCLA had voluntarily undertaken a duty to Rosen by providing mental health treatment to Thompson, the school appealed. A 2nd District Court of Appeal panel reversed, 2-1, over a strong dissent, controversially holding that a public university has no general duty to protect its students from the criminal acts of other students.

"I am so shocked by UCLA's position," Chang said. "This was the first case to come to trial after the Virginia Tech massacre, addressing the duties of a school to protect students against known dangers." The state Supreme Court is set to hear the matter later this year. *Regents of the University of the University of California v. Los Angeles County Superior Court (Rosen)*, S230568 (Cal. Sup. Ct., filed Nov. 13, 2015).

— John Roemer