

# Crippled Security Guard Wins \$5.8 Million

By MYRNA OLIVER, *Times Legal Affairs Writer*

Kinney Shoe Corp. was ordered Friday to pay \$5.8 million to a former security guard who was paralyzed by a gunshot when he accompanied a store manager to a poorly lighted night-deposit vault that the manager had warned was dangerous.

Jurors in the court of Los Angeles Superior Court Judge Edward A. Hinz Jr. handed down the verdict in favor of Ernest Bennett, 51, after two days of deliberation and a two-week trial.

Of the award, \$4 million was for Bennett's pain and suffering, and \$1,784,572.59 was for lost future earnings and past and future medical care.

Bennett, who is confined to a wheelchair, was not in court Friday. But his attorney,

Larry Booth, said after informing Bennett of the verdict by telephone that his client was very happy and "thinks after five years that he finally got justice."

Kinney attorney Gary A. Hamblet said he was "disappointed" in the verdict and added: "I haven't talked with my client yet, but I expect we will appeal."

Booth said Bennett was working as a private security guard at the Kinney shoe store on Manchester Boulevard near Western Avenue in South-Central Los Angeles when the shooting occurred Jan. 5, 1983.

Bennett drove Kinney store manager Jim Forster to a nearby bank night-deposit about 9:30 p.m. with a canvas bag containing several thousand dollars.

Booth persuaded jurors that Kinney improperly failed to warn Bennett or protect him from danger, even though another guard had been stalked by a group of people in the parking lot the previous two nights and had drawn his gun to prevent a robbery or assault.

When Bennett got out of the car, Booth said, he was shot in the abdomen by a robber who has never been caught.

Forster testified that he had urged his company for five years to arrange for a nightly armored car pickup for the store's cash. He said he considered the designated bank night-deposit site dangerous because it was poorly lighted and located behind the

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bank on a dark back street.

The manager also testified that Kinney had switched banks a few months earlier, changing from one with a relatively safely lighted night-deposit facility to the one he considered risky.

Booth said that after the shooting, Kinney finally took Forster's advice and scheduled armored car pickups at the store.

The shoe company claimed that the person who shot Bennett should be responsible for any damages, rather than Kinney.

"If you sail a boat down a shark-infested waterway," Booth argued, "you can't blame the sharks."

"They just ignored the problem," Booth said after the verdict.

The attorney said Bennett, the father of two, has been unable to work and was divorced by his wife as a result of the shooting. The gunshot, which struck his spine, paralyzed him from the waist down. Booth said Bennett has also developed diabetes and other medical problems because of his wounds.