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Injured Man Wins Suit in Accident Nobody Saw

By DOROTHY TOWNSEND, *Times Staff Writer*

A Compton Superior Court jury on Thursday awarded \$2.5 million in damages to a brain-injured construction worker hurt in an accident that nobody witnessed and about which he has never been able to speak.

The verdict was based solely on testimony of experts who reconstructed for jurors what probably happened.

The judgment, against Los Angeles Unified School District, was reduced by Judge Rosemary M. Dunbar to approximately \$1.7 million on the theory that the injured man himself was 20% at fault for what happened and by subtracting compensation benefits that he has received since the 1978 incident.

"The verdict was based on supposition and speculation," said the school district's lawyer, Edison Demler. "He was found on a concrete floor and nobody knows what happened to him." Demler said he will recommend an appeal.

The defense contended that it was impossible to prove even that an accident had occurred.

What is known is that Harlan Chapman was found lying on a floor beneath scaffolding at Virgil Junior High School on North Vermont Avenue, where he had been working alone on a construction job, his attorney, Lawrence R. Booth, said.

Booth said there was no proof as to whether he fell or tripped. "It was necessary for us to establish that he fell off a certain 20-foot-high wall scaffold in the general vicinity of where he was found," the lawyer said, so the defense mounted a meticulous reconstruction of the accident in court.

Booth said it was brought out that one of Chapman's injuries was "a peculiar type of leg injury that you can only get by falling at least 15 feet from an erect position." He said Chapman cannot speak and that it was impossible for him to testify.