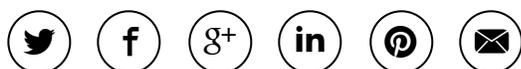


Thursday, May 21, 2020



Plaintiff Claimed Hotel Failed to protect Concrete Walkway

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Attorneys Alex Galindo and Richard Wynn with Curd, Galindo & Smith, LLP Announces Orange County Jury Awards \$1,600,000 in Personal Injury Claim in the matter entitled Khuong Nguyen v. Peninsula Hotel Management, LLC dba Ramada Plaza Hotel and Dzung Truong, Orange County Superior Court Case No. 30-2010-00387330

SANTA ANA, CALIFORNIA (PRWEB) JUNE 13, 2012

FACTS & ALLEGATIONS:

Court records show that on March 5, 2010, plaintiff Khoung Nguyen, 43, a video editor/cameraman, represented by [Alex Galindo](#) of [Curd, Galindo & Smith, LLP](#), had plans to attend a business meeting at a restaurant known as the Mini Rex Bar & Grill in the [Ramada Plaza Hotel in Garden Grove](#). While at the Mini Rex, Nguyen stepped outside to have a cigarette near the north side entrance. At the same time, Dzung Truong, who was driving a 2004 Jeep Liberty with his wife as a passenger, was attempting to park in a handicap parking space near the north entrance of the hotel when his vehicle continued up and over the parking space curb, onto the concrete walkway and pinned Nguyen against the hotel's north wall.

Nguyen sustained significant injuries to his legs including a fractured hip.

Nguyen sued Truong and the operator of the Ramada Plaza Hotel, Peninsula Hotel Management, LLC. He alleged that Truong was negligent in the operation of his vehicle and that the hotel was negligent for failing to properly maintain the area, creating a dangerous condition.

Peninsula Hotel Management bought the Ramada Plaza Hotel in 2003 and performed some renovations to the subject property in an effort to bring it into compliance with the requirements of Ramada International.



Fractured Hip

Court documents indicated that Nguyen was smoking in what he claimed he and any reasonable person would believe to be the hotel's designated smoking area. The north side entrance has an ashtray and a bench located on a concrete walkway, which is immediately next to handicapped parking spaces. The west entrance also had an ashtray and bench similar to the north entrance. Plaintiff's counsel noted that the ashtray and bench were maintained by the hotel's housekeeping staff to accommodate the hotel and restaurant guests.

Based on court documents, Nguyen's counsel claimed that Peninsula Hotel Management failed to protect its guests from a foreseeable danger by failing to install, at a minimal expense, protective measures along the concrete walkway at the north and west entrances.

Alex Galindo also claimed that Peninsula Hotel Management was negligent per se, as it failed to comply with Garden Grove Municipal Code § 9.16.040.200 B3, which states that safety barriers, protective bumpers or curbing, and directional markers shall be provided to assure pedestrian and vehicular safety, efficient utilization, and protection to landscaping, as well as to prevent encroachment onto adjoining public or private property. Plaintiff's counsel argued that the failure to comply with the municipal code led to insufficient protection to assure that vehicles not encroach onto the walkway and into the designated smoking area where Nguyen was injured. Mr. Galindo also argued that this failure was a violation of the Garden Grove municipal code and was a substantial cause of Nguyen's injuries. Nguyen requested, and was given, the negligence per se jury instruction.

The hotel's counsel, David Belofsky argued that the Peninsula Hotel Management had no duty since the area of impact was not an area of congregation and, therefore, did not require protection. Mr. Belofsky further argued that the hotel had complied with the code as it had a curb protecting the area of impact. Truong accepted liability. His counsel, Ms. Roth noted that the Truong's insurer offered its policy limit of \$15,000, which was not accepted by plaintiff's counsel when the matter went to trial. Defense counsel moved for summary judgment based on whether or not the area of impact was a known area on congregation, but it was denied.

INJURIES/DAMAGES: emotional distress; fracture, acetabulum; fracture, patella; internal fixation; open reduction; physical therapy; pins and rods. As a result of the impact, Nguyen suffered a left open patella fracture, right open tibiofibular fracture and left acetabulum wall fracture. He was taken from the scene to UCI Medical Center, where he underwent immediate open repair of the right ankle with the insertion of pins and rods. Three days later, he had the acetabular repair performed, also with internal fixation.

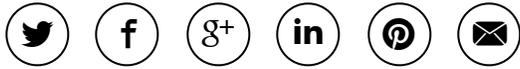
Defendant Ramada Plaza Hotel was represented by David Belofsky with the firm of Belofsky & Hanker, Torrance, CA and Dzung Truong was represented by **Heath Roth** of **Parker Strauss, LLP** Glendale, CA.

RESULT The trial was bifurcated, with the same jury for both the liability and damages portions. The jury found Truong 75 percent liable for the accident and Peninsula Hotel Management 25 percent liable. Thus, it awarded Nguyen \$1,600,037.44 in total damages.

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