

Ruling favors 6 families; Pomona ordered to pay \$7 million

Monica Rodriguez, Ontario Inland Valley Daily Bulletin, 5-22-10

POMONA -- It has been more than five years since the homes of six Phillips Ranch families were damaged or destroyed when the ground beneath them began to give way.

A state appeals court ruled last week that Pomona must pay the families more than \$7 million, affirming the decision of a lower court, said Michael Hearn, the families' attorney.

"We're five years into this and the families have been living on hold for five years," Hearn said.

It's time for the city to pay and "let these people regain their lives," he said.

In February 2005 the families, residents of Meadow View Drive, noticed cracks in the floors and yards at their homes following a period of heavy rains.

The cracks quickly grew in size and turned into large gaps and drops of as much as 2 feet. Three of the families required demolitions and three others were damaged.

The families filed a lawsuit against the city. In court, information was presented that showed the city failed to properly maintain an open space area near the houses that had been the site of an ancient landslide.

Information was also presented showing that although the area had been maintained in the past it received little attention from 1998 to 2005 and not checked for gophers.

The gopher population grew and when the 2005 rains arrived water penetrated the ground and weakened the slope near the homes.

A Los Angeles County Superior Court judge entered a judgment in the families' favor in 2008 but the city appealed the case.

At the time the city was ordered to pay the families \$5.8 million but that amount has grown to more than \$7 million due to interest accrual and other legal costs, Hearn said.

The case will return to Superior Court to address some minor details, Hearn said.