

# **Jury to determine Caltrans payment in mudslide lawsuit from church**

**Mike Cruz and Joe Nelson, Los Angeles Newspaper Group, 10-12-10**

A jury today will begin deciding how much Caltrans should have to pay in damages to St. Sophia Greek Orthodox Church and Foundation after announcing Thursday that the state's transportation department was partly responsible for a devastating 2003 mudslide that killed 14 people at the church's camp in Waterman Canyon.

Jurors on Thursday found Caltrans was 31 percent responsible for the massive mudslide that tore through the church where four families and their friends were celebrating Christmas Day with camp caretaker Jorge Monzon.

A wave of mud, boulders and trees flowed down scorched mountainsides - in the wake of the Old Fire which burned two months earlier - and ripped through the church camp.

While a lawyer for the church said Caltrans should have been more liable, St. Sophia was pleased overall with the verdict in the first phase of the civil trial in San Bernardino Superior Court.

"We're very pleased that the jury found Caltrans liable," said David Ringwood, attorney for the Saint Sophia Foundation and Saint Sophia Greek Orthodox Church. The Saint Sophia Foundation owned the land that the church was on at 2449 Old Waterman Canyon Road, and Saint Sophia Greek Orthodox Church operated the camp.

The second phase of the trial kicks off today before Judge Brian McCarville, and the jury will then determine how much Caltrans should pay, he said.

Caltrans declined to comment about the trial and verdict, citing a policy of not speaking publicly about ongoing litigation.

The civil trial is the result of years of litigation that was initiated in December 2004 by the families of the 14 victims, according to court records. Multiple lawsuits were eventually consolidated into one.

In 2008, St. Sophia settled lawsuits with family members of the victims for \$13 million, Ringwood said.

St. Sophia then countersued, alleging Caltrans, when it built Highway 18, created an unnatural diversion of floodwater, which created substantial debris flows onto slopes below the highway that fueled the deadly mudslide on Christmas Day 2003.

After a four-week trial that commenced on Sept. 7, a jury of six men and six women returned from deliberations Thursday with a verdict finding St. Sophia 69 percent liable and Caltrans 31 percent liable, Ringwood said.

Caltrans spokesman Jason Goldman confirmed the state agency was found 31 percent liable but would not elaborate.

## **A devastating wall of mud**

A heavy downpour on Christmas Day 2003 brought several inches of rainfall to the Waterman Canyon area and

triggered a mudslide about 2 p.m. that was so powerful that it reportedly knocked buildings at the camp off their foundations.

The mountainside had been depleted of ground cover and other vegetation from the Old Fire just two months earlier, leaving it vulnerable to erosion, mudslides and debris flows.

A sheriff's deputy at the Twin Peaks station came upon several survivors along Highway 18 north of San Bernardino. The highway had been closed at about 1:10 p.m. because of rain and mudslides.

The women and children were wet and covered in mud and were climbing up a hillside, sheriff's officials said. Once safely in the deputy's car, the survivors reported that more than a dozen other people at St. Sophia had been swept away by raging water and mud.

Those who died are: Jorge Antonio Monzon, 41, his wife Clara Pirir Gomez-Monzon, 40, and their children Wendy Beatrice Monzon, 17; Eva Raquel Monzon, 9; and Jeremias Monzon, 8 months.

Also among the dead were: Eduardo Meza, 12, Eduardo's father Ramon Meza, 29; Ivan Avila, 13; Jose Pablo Navarro, 11; Joleila Navarro, 7; Miguel Navarro, 13; Jose Carlos Camacho-Pea, 33; Catherine Juarez, 7; and Rosa Haydee Najera-Juarez, 42.

The lawsuit alleged that Caltrans and San Bernardino County designed and built the state highway and county roads, and provided infrastructure improvements including catch basins, culverts and debris basins, among other things.

The rains also triggered a second, and separate, mudslide at 5:53 p.m. in Cable Canyon in Devore and through a KOA Campground there, killing two people. The Devore mudslide was not part of this lawsuit.

### **Settlement reached months before trial**

St. Sophia settled the lawsuit with the victims' families a couple of months before the trial began.

"We were able to develop some pretty strong evidence with respect to the church," said lawyer Dennis Sherwin, who represented the kin of four children who died in the mudslide.

Sherwin and other lawyers developed compelling evidence against St. Sophia during the discovery process, showing the church had knowledge of possible mudslides, he said.

The church maintained the mudslide was an act of God and that heavy rains were the result of a 15-year to 20-year storm that could not have been anticipated.

During depositions, the plaintiffs' lawyers learned from the person who oversaw the camp that instructions were given to camp caretaker Monzon to act if the creek rose one foot.

"But it was never put in writing," Sherwin said, and no means were given to him about how to measure the rising creek waters. The depositions were very emotional, he said, with some of the testimony bringing tears to court reporters' eyes after hearing of children being ripped from the arms of their parents.

Monzon even made a phone call to his supervisor an hour before the debris flows hit the camp, indicating that

"all hell was breaking loose," said Sherwin. But Monzon wasn't taken seriously, he said.

After depositions were done, lawyers say the church realized it likely would not prevail in a trial. Negotiations for a settlement began with the victims' families.

"They were tough, evaluating the lives of these people who were killed, especially the children," Sherwin said. "They felt our figures were exceedingly high and we felt their figures were exceedingly low."

San Bernardino County contributed a very small amount to the settlement early in the lawsuit, Sherwin said. Attorneys representing the county were unavailable for comment Monday due to the Columbus Day holiday.