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BOY WHO LOST FEET IN FIERY AUTO COLLISION SUES CITY

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A 17-year-old boy who lost both feet as the result of a fiery car collision in a Simi Valley neighborhood six months ago has filed a claim for damages against the city.

Attorney Stephen Tigerman said the city may be at least partially responsible for the crash that injured his client, Ryan Downen of Simi Valley, June 10 on Austin Avenue at Walnut Street. Tigerman said his San Francisco law firm is studying the incident and believes that poor lighting and an untrimmed tree covering a stop sign may have helped cause the crash.

"Our preliminary investigation has pointed us in the direction of possible visibility problems at that intersection," Tigerman said.

The claim filed Tuesday seeks an undetermined amount from the city for injuries to Downen, including the amputation of both feet, broken facial bones, burns to 60 percent of his body and permanent hearing and vocal cord damage.

City Attorney John Torrance said his office is investigating the claim, but he declined to comment on specifics of the claim.

However Torrance noted a police report that states the cause of the crash was traffic violations by the driver of the truck in which Downen was a passenger.

The report states that Mathew Birdsall, 18, of Simi Valley was driving a truck at a fast speed north on Austin and failed to stop for a stop sign at Walnut.

"I understand he was (speeding) when he reached the intersection, and then he ran the stop sign. That speaks for itself," Torrance said.

Birdsall's 1956 Chevrolet truck broadsided another vehicle that was traveling west on Walnut, overturned and burst into flames. Birdsall was killed in the crash, and Downen was pulled from the flaming wreckage by firefighters.

The city has two months to respond to claims.

Tigerman said claims for personal injuries must be filed within six months of incidents and that Downen's claim was filed while his office continues its investigation into the crash.

A major issue in the case could be a tree that fully or partially covered the stop sign at Walnut, Tigerman said.

"We believe that there is a tree at that intersection which obstructs part of the stop sign, and may have at that time completely covered it," Tigerman said. "If that tree was an obstruction to that stop sign, we believe it was a substantial factor."

The police report of the crash noted that all of the truck's brakes were out of adjustment and that all brake pads were very thin, and Tigerman said his office also is studying those and other possible defects in the car.

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