

# Tucson Citizen

## Pothole suit costs garage \$875,000

The Associated Press

Thursday, March 4, 1999

YUMA - A jury awarded \$875,000 to a Yuma woman who injured her elbow after she stepped in a pothole at a Phoenix parking garage.

Karen Monks, who formerly headed the Arizona Western College nursing program, suffered the injury in late 1995.

The six-day trial in Maricopa County Superior Court ended Monday with a jury verdict against the garage's property owners.

"She can't move her arm or hand in any practical manner," said her Tucson attorney Silas Shultz, adding that the injury will prevent Monks from ever working as a nurse again.

Monks was commuting weekly to Phoenix in December 1995 - doing work for an extension university program and staying at a hotel that had an adjacent two-story parking garage.

On Dec. 8, 1995, Monks stepped in a pothole in the garage, fell and smashed her right elbow, her attorney said.

According to trial testimony, the pothole had been there for as long as 90 days and nobody had fixed it.

After surgery to replace a bone in her forearm with a prosthesis proved unsuccessful, Monk went to a specialist in Phoenix for a surgery in September 1996, which Shultz said limited the use of her hand.

The suit was filed about about nine months after the second surgery, Shultz said.

Saturday, March 6, 1999

### OUR OPINION

## Capsule comments

### Pouring money down a hole

If you've got a pothole on your property, get it fixed - or be prepared to pay big bucks.

A jury in Yuma this week awarded \$875,000 to a woman who injured her elbow after she stepped in a pothole at a Phoenix parking garage. The woman is a nurse, and the injuries she suffered will prevent her from working again.

The jury slapped the garage owners with the judgment after trial testimony showed the pothole had been there for up to 90 days and nobody had fixed it.

A shovelful of asphalt would have been much cheaper.