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## Santa Monica Farmers' Market Plaintiffs to Argue against City of Santa Monica's Motion for Summary Judgment Tomorrow; Judge's Tentative Ruling Today Excuses City of Santa Monica from Lawsuit

SANTA MONICA, Calif.--(BUSINESS WIRE)--June 7, 2006--The Santa Monica Farmers' Market plaintiffs will argue against a motion for summary judgment filed by The City of Santa Monica and Bayside District Corporation before the Hon. Valerie L. Baker on Thursday, June 8, 2006 at 10:00 a.m. in Los Angeles Superior Court/Santa Monica Division, Department "L", 1725 Main Street, Santa Monica, CA. Judge Baker's ruling will determine whether or not the plaintiffs can move forward with their civil lawsuit against The City of Santa Monica and Bayside District Corporation. Her tentative ruling, issued late this afternoon, would excuse the City of Santa Monica on a technicality based on a design immunity argument and would excuse Bayside District Corporation as having no duty to protect the public.

The Plaintiffs' civil claims arose out of the July 16, 2003 Santa Monica Farmers' Market tragedy in Santa Monica, CA. Arguments on behalf of the Plaintiffs against Bayside District Corporation will be made by Geoffrey S. Wells with the Santa Monica, CA. law firm of Greene Broillet Wheeler which represents 14 plaintiffs in their wrongful death or negligence lawsuits against the Defendants, including George Russell Weller. Michael J. Piuze and Stanley K. Jacobs will argue on behalf of the Plaintiffs against the City of Santa Monica. *Supino vs. City of Santa Monica, et.al.*, Case No. SC 080283.

"There are substantive issues in this lawsuit," stated Geoffrey S. Wells, "which only a jury should determine. To excuse the City of Santa Monica and Bayside District Corporation on technicalities when they are both intimately involved in marketing, advertising and holding out that the weekly market is a safe place to visit is wrong. We will fight all the way to the US Supreme Court to make sure that our clients have their day in court."

On July 16, 2003, the Plaintiffs were all attending the Santa Monica Farmers' Market and were walking along Arizona Avenue. At approximately 2:00 p.m. on that date, George Russell Weller lost control of his 1992 maroon Buick LeSabre sedan and drove it westbound on Arizona Avenue, between Fourth and Second Streets, striking and injuring at least 63 pedestrians and killing 10 people. The Plaintiffs allege that the City of Santa Monica and Bayside District Corporation were negligent and reckless in conducting and regulating the weekly Wednesday Santa Monica Farmers' Market. They claim that Defendants' acts or failures to act created the dangerous conditions which caused the accident to happen, including the City's failure to install any type of bollards or barricades to block east/westbound traffic on Arizona Avenue between Second and Fourth Streets in Santa Monica, and its failure to properly monitor the roadways or regulate motor vehicle traffic on market days.

### Editor's Note:

Plaintiffs: Geoffrey S. Wells with the Santa Monica, CA. law firm of Greene Broillet Wheeler, LLP represents 14 plaintiffs; Tel: 310-576-1200 ([www.greene-broillet.com](http://www.greene-broillet.com) <<http://www.greene-broillet.com>> ). All of the Plaintiffs' cases were consolidated by the Court.

Defendants: The City of Santa Monica is represented by Jeanette Schachtner, Chief Deputy/Civil Liability Division, City of Santa Monica, CA; Tel: 310-458-8328. The City of Santa Monica and Bayside District Corporation are represented by Dana Alden Fox and Phillip M. Hayes with the Los Angeles, CA. law firm of Lynberg Watkins; Tel: 213-624-8700. George Russell Weller is represented by Timothy L. Walker and Charles J. Schmitt with the Long Beach, CA. law firm of Ford Walker; Tel: 562-983-2500.

### Contacts

Greene Broillet Wheeler, LLP Kathy Pinckert, 310-566-6048 cell: 310-562-0691 [Kpinckert@greene-broillet.com](mailto:Kpinckert@greene-broillet.com)