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**JUDGE DENIES BAYSIDE DISTRICT CORPORATION'S RENEWED MOTION
FOR SUMMARY JUDGMENT IN SANTA MONICA FARMER'S MARKET CIVIL SUIT**

Bayside Will Now Stand Trial in March 2007 Along with George Russell Weller

Santa Monica, CA (January 8, 2007) – The Hon. Valerie Baker denied Bayside District Corporation's renewed Motion for Summary Judgement on January 5, 2007. Along with George Russell Weller, Bayside will now stand trial for wrongful death and personal injury lawsuits arising out of the July 16, 2003 Santa Monica Farmers' Market accident in Santa Monica, CA. The first of the civil trials, *Hoffman vs. George Russell Weller, et. al.*, will begin on March 20, 2007 in Los Angeles Superior Court/Santa Monica Division. Geoffrey S. Wells with the Santa Monica, CA. law firm of Greene Broillet & Wheeler successfully argued on behalf of the Santa Monica Farmers' Market plaintiffs. *Supino vs. George Russell Weller, et. al.*, Case No. SC080283.

"The Judge's ruling is an affirmation of our civil justice system," stated Geoffrey S. Wells "and the importance of the jury in determining whether or not Bayside District Corporation had a duty to protect the public it invited to attend the Santa Monica Farmer's Market. Our job now is to get ready for trial in March and to prove by a preponderance of the evidence that all of the defendants should be held accountable for their role in this tragedy."

On July 16, 2003, the Plaintiffs were all attending the Santa Monica Farmers' Market and were walking along Arizona Avenue. At approximately 2:00 PM 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. More than 50 civil suits for either wrongful death or personal injury were subsequently filed against Weller, the City of Santa Monica and Bayside District Corporation.

Weller was criminally convicted on October 20, 2006 of 10 counts of vehicular manslaughter with gross negligence. In their civil suits, 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.

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Editor's Note #1

Presently, the City of Santa Monica's Motion for Summary Judgment for the vicarious liability claim for negligently hiring people to properly barricade the market is still under submission with the Court. Therefore, the Plaintiffs cannot appeal the Court's earlier ruling in favor of the City on design immunity until it is determined whether or not it is out of the case on all claims.

Editor's Note #2

Plaintiffs: Geoffrey S. Wells is with the Santa Monica, CA. law firm of Greene Broillet & Wheeler, LLP which represents 14 plaintiffs; Tel: 310.576.1200 (www.greene-broillet.com).

All of the Plaintiffs' cases were consolidated by the Court and are collectively known as *Supino vs. George Russell Weller, et. al.*

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.