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DATE: 8-17-17 2:00 p.m.

INTERTRIBAL COURT OF SOUTHERN CALIFORNIA
48002 GOLSH ROAD
VALLEY CENTER, CA 92692

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**INTERTRIBAL COURT OF SOUTHERN CALIFORNIA
FOR THE RINCON BAND OF LUISEÑO INDIANS**

LESLIE J. CORONA; JOSEPH J. CORONA;

Plaintiffs,

vs.

RINCON BAND OF LUISEÑO MISSION
INDIANS OF THE RINCON
RESERVATION, CALIFORNIA;
HARRAH'S RINCON CASINO AND
RESORT,

Defendants.

Case No.: CV-20140327

ORDER AFTER HEARING

On March 27, 2014, Leslie J. Corona and Joseph J. Corona filed a timely claim under the Patron Tort Claims Ordinance of the Rincon Band of Luiseño Indians, based upon an incident that took place on April 13, 2012. By stipulation of the parties, the trial of the matter focused exclusively on the question of liability and came before the Intertribal Court of Southern California on July 27, 2017. The plaintiffs, Leslie J. Corona and Joseph J. Corona, were represented by Steven M. Karp from the Law Offices of Lee C. Arter. The defendants, the Rincon Band of Luiseño Indians and Harrah's Rincon Casino and Resort (hereinafter referred to singularly as the Rincon Band), were represented by Ryan Blackstone-Gardner of Greene & Roberts LLP. The Honorable Gregory Thompson, associate judge, presided.

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Summary of the Case

On the afternoon of April 13, 2012, the Coronas walked arm in arm from valet parking to the entrance of Harrah’s Casino, owned and operated by the Rincon Band on Rincon Band land. It was raining, the surface where they walked was slippery, and they fell; first Mr. Corona and then Mrs. Corona. Surveillance video, introduced at trial and referenced throughout the proceeding, shows Mr. Corona’s feet slipping out from underneath him and shows him landing hard on the pavement. Mrs. Corona, either because she herself slipped or because she was pulled down by her husband, fell as well, striking her head on the hard surface.

On March 27, 2014, the Coronas filed a claim for injuries, which they state were sustained from their fall. The claim is governed by the Rincon Band’s Patron Tort Claims Ordinance that places on claimants the burden of proving their case by clear and convincing evidence. In this instance the claim is that the Rincon Band took inadequate steps to warn patrons of the slippery condition of the walking surface or took inadequate steps to protect patrons from a dangerous condition. This neglect of duty, the claim states, resulted in the Coronas falling and injuring themselves.

The case was heard at trial on July 27, 2017. The facts show and the Court finds that the plaintiffs did not meet their burden of proof. Indeed, the evidence shows convincingly that staff members at the Casino were actively engaged in alerting patrons to the dangers of wet surfaces and acted vigilantly to mitigate risks created by the rainy weather.

Findings

On the afternoon of April 13, 2012, Mr. and Mrs. Corona drove their car from Carlsbad, California, to Harrah’s Casino located on the Rincon Band’s reservation. There was constant rain and so they decided to use valet parking rather than park their car themselves, as they had on previous visits to the Casino. They left their car with the valet and began the short walk to the entrance of the Casino. They walked past a fire truck and an ambulance parked in front of the entrance as paramedics wheeled a gurney with a patient from the Casino to the ambulance. A

1 number of small signs, posted in front of the entryway, warned of wet surfaces. The pavement
2 itself showed signs of the rain. Surveillance video and photos taken shortly after the incident
3 show the surface to be shiny and wet.

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5 The Coronas stepped from the pavement where the emergency vehicles were parked onto
6 the more decorative tile-like surface in front of the Casino's entryway. As they did, Mr. Corona's
7 boots slipped out from under him and he fell on his backside. Mrs. Corona fell immediately
8 afterwards. The video shows her head hitting the hard surface.

9 This was around 4:25 p.m. and within seconds of their fall security staff responded. They
10 assisted the Coronas into the Casino, assessed them for possible injuries, and offered medical
11 assistance. The Coronas declined medical assistance and signed a form to that effect. They then
12 went into the Casino and gambled, ate a meal, and left late that night for home. Thereafter, they
13 continued to visit the Casino on a regular basis. Twenty-three months later, on March 27, 2014,
14 they filed a complaint for damages, alleging injuries as a result of their fall and alleging
15 negligence on the part of the defendants.

16 The sole issue for the Court to decide is whether the Rincon Band through its procedures
17 or its employees was negligent under the law in the discharge of its duty to the public. The
18 slippery surface caused by the rain created a dangerous condition and therefore a duty of
19 reasonable care to protect the public. The evidence shows and the Court finds that the Rincon
20 Band, through its employees, discharged its duty professionally and competently.

21 At trial, in addition to the testimony of Mr. and Mrs. Corona, the Court heard the
22 testimony of Stephanie Kastner who had been designated by the defendant as "Person Most
23 Knowledgeable" on the subject of Casino safety. Ms. Kastner serves as Risk and Safety
24 Supervisor for the Casino property.

25 Ms. Kastner testified to the steps taken by the Rincon Band to ensure the safety of its
26 employees and its patrons. Employees go through regular training sessions and are instructed on
27 how to respond when there has been an accident involving an injury or possible injury. They
28 triage each situation, initially looking to treat the immediate risk to the patron and offering

1 assistance to get professional medical treatment. They then look to ameliorate any condition that
2 resulted in the incident. Finally, the incident is documented in a way to deal with a future claim
3 of liability.

4 Ms. Kastner also described the response of Casino security and staff to inclement
5 weather. It is wholly consistent with the evidence of what took place on April 13, 2012.
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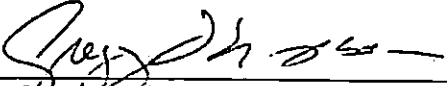
7 On that day, according to the evidence, employees of the Rincon Band were dealing with
8 constantly changing conditions throughout their property, due to the rain and shifting winds.
9 They were on the alert for danger spots and took steps to ameliorate them. The evidence shows
10 that the employees dealt with the unpredictability of the weather and its inherent risks with
11 admirable diligence and concern. There is no credible hint of neglect. On the contrary, the video,
12 photographs, and incident reports admitted into evidence show a high level of concern among the
13 employees for the safety and welfare of Casino patrons.

14 **Conclusion**

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16 At the close of the trial, the Court announced its judgment. The Court finds that the
17 plaintiffs did not meet their burden of proof. The Court finds that the Coronas' fall was a result
18 of rainy conditions and not the result of the actions or inactions of the employees of the Rincon
19 Band. Judgment is entered for the defendant.

20 IT IS SO ORDERED.

21 DATED: August 17, 2017

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23 _____
24 Gregory Thompson
25 Associate Judge
26 Intertribal Court of Southern
27 California
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